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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans
[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

MORTGAGES TAKEN IN CONNECTION WITH INSURED FARM OWNERSHIP LOANS

Sections 332.8 and 332.13 (d) (f) (g), and (h) of this chapter (20 F. R. 3671, 3672) are hereby amended to provide for the taking of mortgages in favor of the Government in connection with insured Farm Ownership loans, to conform the processing of such loans in accordance therewith, and to read as follows:

§ 332.8 *Accepting option and requesting title service.* (a) Subject to the provisions of paragraph (b) of this section, when the County Supervisor receives Form FHA-476 indicating approval of the loan, he will: (1) In case of a Tenant Purchase or Farm Enlargement loan prepare the acceptance of option letter, Form FHA-191, "Acceptance of Option (Vendor to Furnish Abstract)," or Form FHA-191B, "Acceptance of Option (Vendor to Furnish Title Insurance)." The original of the option acceptance letter will be signed by the applicant as "Buyer," and by his wife if she is named in the option, and mailed to the seller. Form FHA-191B also will be signed by the County Supervisor. If it is necessary that the seller submit a deposit for furnishing an abstract in connection with placing the order for title insurance, information to that effect will be added to the option acceptance letter, and it will be the responsibility of the County Supervisor to see that the necessary action is taken by the seller; and (2) see that the title service is requested in accordance with Part 327 of this chapter. For all types of loans he will stamp or type "Insured" or "Direct" on the signed application for title insurance and forward it to the representative of the title insurance company or to the office of the company whichever is customary. When forwarding the application for title insurance or requesting title clearance other than title insurance, the

County Supervisor will request that the preliminary title evidence be sent to the Farmers Home Administration County Office. He will also request that the mortgagee policy of title insurance and owner's policy of title insurance, if any, or other final title evidence, be sent to the Farmers Home Administration County Office. The County Supervisor will request that the mortgagee title insurance policy be made payable to the United States of America.

(b) For an insured loan, no acceptance of option letter will be prepared and no title service will be requested until the County Supervisor ascertains the name and address of the lender who will make the specific loan.

(Sec. 16, 69 Stat. 553 (P. L. 273, 84th Cong.))

§ 332.13 *Action by County Supervisor following receipt of closing instructions.*

(d) *Collection of appraisal fee and initial loan insurance charge for insured loans.* (1) The County Supervisor will collect a \$20 appraisal fee from each applicant at the time of loan closing. This fee may be included in the loan. Form FHA-37, "Receipt for Payment," will be prepared for the appraisal fee payment.

(2) The initial loan insurance charge will be collected from an insured loan applicant at the time of loan closing. The amount of such charge will be computed at the rate of one percent of the principal amount of the loan for the period from the date of loan closing to the first January 1 thereafter. Such charge must be paid from the applicant's personal funds. The amount of the initial loan insurance charge will be included on the same Form FHA-37 prepared for the appraisal fee payment. If the first installment on the loan, or any portion thereof, is collected at the time of loan closing, it will be entered as a regular payment on the same Form FHA-37.

(f) *Mortgage forms.* Real estate mortgage forms in series FHA-187 will be used for direct loans and forms in series FHA-242 will be used for insured loans.

(g) *Insurance endorsement for insured loan.* The County Supervisor is

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authorized to execute the insurance endorsement on the reverse of Form FHA-240, "Promissory Note (Insured Farm Ownership Loan)," or 240A, "Bond (Insured Farm Ownership Loan)." The State Director also is authorized to sign the insurance endorsement. Execution of the insurance endorsement constitutes the Government's insurance of the loan.

(h) *Other closing actions.* (1) When there are insurable buildings on the farm, the County Supervisor will see that adequate insurance is provided, effective as of the time of loan closing.

(2) Immediately after loan closing, the original Form FHA-190, "Promissory Note," or a conformed copy of Form FHA-240 will be sent to the Finance Office.

(3) Immediately after loan closing, the original Form FHA-240 will be sent to the lender, except that when the United States as trustee for a State Rural Rehabilitation Corporation is the lender, it will be forwarded to the State Director for safekeeping.

(4) The original deed of conveyance, if any, and conformed copy of the mortgage will be delivered to the borrower.

(5) If the borrower secures an owner's policy of title insurance, the County Supervisor will deliver it to the borrower as soon as it is received from the title insurance company.

(6) The following material will be placed in the borrower's County Office case folder: (i) Original recorded mortgage, except that in the case of an insured loan when the United States as trustee for a State Rural Rehabilitation Corporation is the lender, the original recorded mortgage will be forwarded to the State Director for safekeeping, and (ii) mortgagee policy of title insurance.

(7) Any abstract of title will be delivered to the borrower for safekeeping. The County Supervisor will obtain a receipt from the borrower at the time the

abstract is delivered to him. The receipt will be signed and dated by the borrower and the abstract will be identified in the receipt by showing the name of the abstractor who prepared the abstract, the number, if any, assigned by the abstractor, and the period covered by the abstract.

(8) A Farm Ownership loan is considered closed when the mortgage is filed for record.

(Secs. 3 (a) and (b) (1), (3) and (4), 12 (a), (c) (4), (d) and (e) (1), 48, 60 Stat. 1074, 1076, 1070, sec. 3, 62 Stat. 534, sec. 2 (f), 64 Stat. 99, sec. 16, 69 Stat. 553 (P. L. 273, 84th Cong.); 7 U. S. C. 1003 (a) and (b) (1), (3) and (4), 1005b (a), (c) (4), (d) and (e) (1), 1022, 40 U. S. C. 440 (f))

Dated: November 18, 1955.

[SEAL] H. C. SMITH,
Acting Administrator
Farmers Home Administration.

[F. R. Doc. 55-9458; Filed, Nov. 23, 1955;
8:49 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Cor- poration, Department of Agricul- ture

PART 464—TOBACCO

SUBPART—1955 TOBACCO LOAN PROGRAM

Set forth below is schedule of advance rates, by grades, for the 1955 crop of type 31, Burley tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published May 20, 1955 (20 F. R. 3525)

§ 464.718 1955 crop—Burley tobacco,
Type 31, advance schedule.¹

[Dollars per hundred pounds, farm sales
weight]

Grade	Advance rate	Grade	Advance rate
B1F	60.12	B5M	27.12
B2F	58.12	B3GF	31.12
B3F	54.12	B4GF	28.12
B4F	50.12	B5GF	23.12
B5F	42.12	B3GR	21.12
B3FV	49.12	B4GR	18.12
B4FV	44.12	B5GR	14.12
B3FK	44.12	M3F	47.12
B4FK	39.12	M4F	42.12
B1FR	50.12	M5F	37.12
B2FR	48.12	M3R	35.12
B3FR	43.12	M4R	31.12
B4FR	39.12	M5R	26.12
B5FR	33.12	T3F	43.12
B1R	38.12	T4F	38.12
B2R	36.12	T5F	31.12
B3R	32.12	T3FV	36.12
B4R	28.12	T4FV	30.12
B5R	25.12	T3FR	37.12
B3RV	25.12	T4FR	32.12
B4RV	21.12	T5FR	26.12
B4D	19.12	T3R	26.12
B5D	16.12	T4R	23.12
B3M	41.12	T5R	18.12
B4M	37.12	T3RV	23.12

¹The Cooperative Associations through which price support is made available are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "DAM" (damaged), N2L, N2D, N2G, nested, botched, off-type, or decayed will not be accepted.

[Dollars per hundred pounds, farm sales
weight]

Grade	Advance rate	Grade	Advance rate
T4RV	20.12	C4M	50.12
T4D	17.12	C3M	44.12
T5D	14.12	C4G	34.12
T4GF	21.12	C5G	27.12
T5GF	17.12	X1L	67.12
T4GR	15.12	X2L	68.12
T5GR	13.12	X3L	65.12
C1L	67.12	X4L	61.12
C2L	66.12	X5L	52.12
C3L	65.12	X1F	69.12
C4L	64.12	X2F	65.12
C5L	59.12	X3F	64.12
C1F	66.12	X4F	60.12
C2F	65.12	X5F	51.12
C3F	64.12	X3R	54.12
C4F	62.12	X4R	50.12
C5F	57.12	X5R	40.12
C3FV	59.12	X4M	47.12
C4FV	57.12	X5M	37.12
C3FK	53.12	X4G	37.12
C4FK	51.12	X5G	27.12
C3R	56.12	N1L	38.12
C4R	53.12	N1F	27.12
C5R	46.12	N1D	13.12
C3RV	49.12	N1G	11.12
C4RV	46.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 18th day of November 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9443; Filed, Nov. 23, 1955;
8:47 a. m.]

PART 464—TOBACCO

SUBPART—1955 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1955 crop of types 42, 43, 44, 53, 54, and 55 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published May 20, 1955 (20 F. R. 3525)

Sec.
464.741 1955 crop—Ohio filler tobacco, Types 42, 43, and 44.
464.742 1955 crop—New York and Pennsylvania Havana seed tobacco, Type 53.
464.743 1955 crop—Southern Wisconsin tobacco, Type 54.
464.744 1955 crop—Northern Wisconsin tobacco, Type 55.

AUTHORITY: §§ 464.741 to 464.744 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 464.741 1955 crop—Ohio filler tobacco, Types 42, 43, and 44, advance schedule.¹

[Dollars per hundred pounds, farm sales
weight]

Grade	Advance rate
Fillers (farm wrappers)	
C1MB	32
C1M	27
C2M	26
C3M	25
C4M	25

¹The Cooperative Association through which price support is made available is au-

[Dollars per hundred pounds, farm sales
weight]

Grade	Advance rate
Crop-run (stripped together)	
X1	27
X2	25
X3	24
X4	22
X5	19
Farm fillers:	
Y1	19
Y2	17
Y3	15

§ 464.742 1955 crop—New York and Pennsylvania Havana seed tobacco, Type 53, advance schedule.¹

[Dollars per hundred pounds, farm sales
weight]

Grade	Advance rate
Binders:	
B1M	53
B2M	49
B3M	45
B4M	41
B5M	39
B6M	36
B7M	33
Blender pickers:	
R1	23
R2	25
R3	24

Grade	Advance rate
Strippers:	
C1	24
C2	22
C3	20
Crop-run:	
X1	23
X2	21
X3	19
X4	17
X5	16

Grade	Advance rate
Farm fillers:	
Y1	20
Y2	18
Y3	16

§ 464.743 1955 crop—Southern Wisconsin tobacco, Type 54, advance schedule.²

[Dollars per hundred pounds, farm sales
weight]

Grade	Advance rate
Binders:	
B1M	55
B2M	51
B3M	47
B4M	43
B5M	39
B6M	36
B7M	33
Blender pickers:	
R1	29
R2	26
R3	25

thorized to deduct from the amount paid the grower fifty cents per hundred pounds to apply against receiving and overhead costs plus a fee of \$5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

²The Cooperative Association, through which price support is made available is authorized to deduct from the amount paid the grower \$1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of \$5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for

RULES AND REGULATIONS

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Strippers:	
C1	25
C2	24
C3	22
Crop-run:	
X1	24
X2	23
X3	22
X4	18
X5	15
Farm fillers:	
Y1	21
Y2	18
Y3	15

§ 464.744 1955 crop—Northern Wisconsin tobacco, Type 55, advance schedule.²

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1M	62
B2M	58
B3M	54
B4M	49
B5M	45
B6M	41
B7M	37
Binder pickers:	
R1	32
R2	29
R3	26
Strippers:	
C1	24
C2	23
C3	20
Crop-run:	
X1	23
X2	22
X3	21
X4	17
X5	15
Farm fillers:	
Y1	20
Y2	18
Y3	15

Issued this 18th day of November 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-9440; Filed, Nov. 23, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FOREIGN COTTON AND COVERS

On March 9, 1955, there was published in the FEDERAL REGISTER (20 F. R. 1407) a notice of rule making setting forth certain proposed amendments to the provisions in the Subpart "Foreign Cotton and Covers" in 7 CFR, 1954 Supp., Part

the grade minus \$4.00 and \$6.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Tobacco graded in a sub-grade of the C, X, or Y group and marked with the special factor "DAM" will be supported at the advance rate for that grade less \$2.00. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

319. After due consideration of all matters presented pursuant to the notice of rule making and under the authority of sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160, 162) said provisions are hereby amended to read as follows:

QUARANTINE

- Sec.
319.8 Notice of quarantine.
REGULATIONS; GENERAL
319.8-1 Definitions.
CONDITIONS OF IMPORTATION AND ENTRY OF COTTON AND COVERS
319.8-2 Permit procedure.
319.8-3 Refusal and cancellation of permits.
319.8-4 Notice of arrival.
319.8-5 Marking of containers.
319.8-6 Cottonseed cake and cottonseed meal.
319.8-7 Processed lint, linters, and waste.
319.8-8 Lint, linters, and waste.
319.8-9 Hull fiber and gin trash.
319.8-10 Covers.

OTHER CONDITIONS APPLICABLE TO COTTON AND COVERS FROM MEXICO

- 319.8-11 From contiguous areas of Mexico.
319.8-12 From West Coast of Mexico.
319.8-13 From Imperial Valley, Mexico.
319.8-14 Special authorization for lint, linters, and waste from Mexico.
319.8-15 Mexican cotton and covers otherwise enterable.

MISCELLANEOUS PROVISIONS

- 319.8-16 Importation into United States of cotton and covers exported therefrom.
319.8-17 Importation for exportation and importation for transportation and exportation; storage.
319.8-18 Samples.
319.8-19 Cotton seed or seed cotton for experimental or scientific purposes.
319.8-20 Importations by the Department of Agriculture.
319.8-21 Release of cotton and covers after 18 months' storage.
319.8-22 Ports of entry or export.
319.8-23 Treatment.
319.8-24 Collection and disposal of waste.
319.8-25 Costs and charges.
319.8-26 Material refused entry.
319.8-27 Applicability of Mexican Border Regulations.

AUTHORITY: §§ 319.8 to 319.8-27 issued under sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interpret or apply secs. 5, 7, 37 Stat. 316-317, as amended; 7 U. S. C. 159, 160.

QUARANTINE

§ 319.8 Notice of quarantine. (a) Pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160) and after the public hearing required thereunder, the Administrator of the Agricultural Research Service hereby determines that the unrestricted importation into the United States from all foreign countries and localities of (1) any parts or products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth) cotton seed hulls, cake, meal, and other cottonseed products, except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and (2) second-hand burlap and other fabrics, shredded

or otherwise, which have been used or are of the kinds ordinarily used, for containing cotton, grains (including grain products) field seeds, agricultural roots, rhizomes, tubers, or other underground crops, may result in the entry into the United States of the pink bollworm (*Pectinophora gossypiella* (Saund.)), the golden nematode of potatoes *Heterodera rostochiensis* Wr.) the flag smut disease (*Urocystis tritici* Koern.), and other injurious plant diseases and insect pests, and said Administrator hereby further determines, that, in order to prevent the introduction into the United States of said plant diseases and insect pests, which are new to or not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into the United States of the plants and products, including fabrics, specified above, except as permitted in the regulations supplemental hereto. Hereafter the plants and products specified above shall not be imported or offered for entry into the United States from any foreign country or locality except as permitted by said regulations, and the plants and products permitted by the regulations to be imported or offered for entry shall be subject to the provisions of sections 1, 2, 3, and 4 of said Plant Quarantine Act (7 U. S. C. 154, 156, 157, and 158) *Provided*, That whenever the Chief of the Plant Quarantine Branch shall find that existing conditions as to the pest risk involved in the importation of any of the permitted plants or products as provided in the regulations make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective.

(b) As used in this section the term "United States" shall have the meaning ascribed to it in the regulations supplemental hereto.

REGULATIONS; GENERAL

§ 319.8-1 Definitions. For the purposes of the regulations in this subpart, the following words shall be construed, respectively, to mean:

(a) *Cotton*. Parts and products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters and other forms of cotton fiber, not including yarn, thread and cloth; cottonseed hulls, cake, meal, and other cottonseed products, except oil; waste; and all other unmanufactured parts of cotton plants.

(b) *Seed cotton*. Cotton as it comes from the field.

(c) *Cottonseed*. Cottonseed from which the lint has been removed.

(d) *Lint*. All forms of raw ginned cotton, either baled or unbaled, except linters and waste.

(e) *Linters*. All forms of cotton fiber separated from cottonseed after the lint has been removed, excluding so-called hull fiber.

(f) *Waste*. All forms of cotton waste derived from the manufacture of cotton lint, in any form or under any trade des-

ignation, including gin waste and thread waste; and waste products derived from the milling of cottonseed. Gin trash is not within the definition of waste.

(g) *Gin trash.* All of the material produced during the cleaning and ginning of seed cotton, bollies or snapped cotton except the lint, cottonseed, and gin waste.

(h) *Covers.* Second-hand burlap and other fabrics, shredded or otherwise, including any whole bag, any bag that has been slit open, and any part of a bag, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products) field seeds, agricultural roots, rhizomes, tubers, or other underground crops. Burlap and other fabrics, when new or unused are excluded from this definition.

(i) *Uncompressed.* Baled or packaged to a density not exceeding approximately 20 pounds per cubic foot.

(j) *Compressed.* Compressed or pressed and baled or packaged to a density greater than approximately 20 pounds and less than approximately 28 pounds per cubic foot.

(k) *Compressed to high density.* Compressed or pressed and baled or packaged to a density of approximately 28 or more pounds per cubic foot.

(l) *Contamination (contaminate)* Containing or bearing whole cottonseed or seed cotton or other material which may carry the pink bollworm, the golden nematode of potatoes, the flag smut disease, or other injurious plant diseases or insect pests. (The verb contaminate shall be construed accordingly.)

(m) *Samples.* Samples of lint, linters, waste, cottonseed cake, and cottonseed meal, of the amount and character usually required for trade purposes.

(n) *United States.* Any of the States, the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States.

(o) *North, northern.* When used to designate ports of arrival, these terms mean the port of Norfolk, Virginia, and all Atlantic Coast ports north thereof, ports along the Canadian border, and Pacific Coast ports in the States of Washington and Oregon. When used in a geographic sense to designate areas or locations, these terms mean any State in which cotton is not grown commercially. However when cotton is grown commercially in certain portions of a State, as is the case in Illinois, Kansas, and Missouri, these terms include those portions of such State as may be determined by the Chief of the Branch as remote from the main area of cotton production.

(p) *Contiguous areas of Mexico.* The cotton-producing areas of Mexico contiguous to cotton-producing areas in that part of the United States designated as the regulated area in Federal pink bollworm regulations (§ 301.52-2 of this chapter, as amended)

(q) *West Coast of Mexico.* The State of Sinaloa, the State of Sonora (except that part of the Imperial Valley lying between San Luis Mesa and the Colorado River) and the Southern Territory of Baja California, in Mexico.

(r) *Imperial Valley of Mexico.* The Imperial Valley in the State of Baja California, Mexico, and that portion of

the Valley in the State of Sonora, Mexico, lying between San Luis Mesa and the Colorado River.

(s) *Treatment.* Procedures administratively approved by the Chief of the Branch for destroying infestations or infections of insect pests or plant diseases, such as fumigation, application of chemicals or dry or moist heat, or processing, utilization, or storage.

(t) *Permit.* A form of authorization to allow the importation of cotton or covers in accordance with the regulations in this subpart.

(u) *Approved.* Approved by the Chief of the Branch.

(v) *Approved fumigation facilities.* Approved vacuum fumigation plant at a port where an inspector is available to supervise the fumigation.

(w) *Utilization.* Processing or manufacture, in lieu of fumigation at time of entry, at a mill or plant specifically approved by the Chief of the Branch.²

(x) *Authorized.* Authorized by the Chief of the Branch.

(y) *Chief of the Branch.* The Chief of the Plant Quarantine Branch, or any officer of employee of the Branch to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(z) *Branch.* The Plant Quarantine Branch, Agricultural Research Service, of the United States Department of Agriculture.

(aa) *Inspector.* Any person authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(bb) *Person.* Any individual, firm, corporation, company, society, or association, or any organized group of any of the foregoing.

(cc) *Root crop.* The underground crop portions of any plants.

CONDITIONS OF IMPORTATION AND ENTRY OF COTTON AND COVERS

§ 319.8-2 *Permit procedure.* (a) Except as otherwise provided for in §§ 319.8-10 and 319.8-18, permits shall be obtained for importations into the United States of all cotton and covers. Permits will be issued only for cotton and covers authorized entry under §§ 319.8-6 through 319.8-20. Persons desiring to import cotton or covers under §§ 319.8-6 through 319.8-20 shall, in advance of departure of such material from a foreign port, submit to the Branch an application² stating the name and address of the importer, the country from which such material is to be imported, and the kind of cotton or covers it is desired to import. Applications to import cottonseed shall state the approximate quantity and the proposed United States port of entry. Applications to import lint, linters, or waste shall state whether such materials are compressed.

(b) Applications to import lint, linters, or waste at a port³ other than one

² A list of approved mills and plants may be obtained from the Plant Quarantine Branch, Room 406, U. S. Appraisers Stores, 408 Atlantic Ave., Boston 10, Mass.

³ Applications for permits should be made to Import and Permit Unit, Plant Quarantine Branch, 209 River Street, Hoboken, N. J.

⁴ Including ports in Hawaii, Puerto Rico, and the Virgin Islands of the United States.

in the North, in California, or on the Mexican Border shall also specify whether the commodity is compressed to high density.

(c) Applications for permits may be made orally or on forms provided for the purpose by the Branch, or may be made by a letter or telegram containing all the information required by this section.

(d) Upon receipt and approval of such application by the Branch, an individual or continuing permit will be issued authorizing the importation and specifying the port of entry and the conditions of entry. A copy of the permit will be supplied to the importer.

(e) Upon receipt of an application to import lint, linters, waste, or covers, without treatment, for utilization under agreement as defined in § 319.8-8 (a) (2), an investigation will be made by an inspector to determine that the receiving mill or plant is satisfactorily located geographically, is equipped with all necessary safeguards, and is apparently in a position to fulfill all precautionary conditions to which it may agree. Upon determination by the inspector that these qualifications are fulfilled, the owner or operator of the mill or plant may sign an agreement specifying that the required precautionary conditions will be maintained. Such signed agreement will be a necessary requisite to the release at the port of entry of any imported lint, linters, waste, or covers for forwarding to and utilization at such mill or plant in lieu of vacuum fumigation or other treatment otherwise required by this subpart. Permits for the importation of such materials will be issued in accordance with paragraph (a) of this section.

(f) Permits for importation of any cotton or covers are conditioned upon compliance with all requirements set forth therein and such additional requirements in this subpart as are in terms applicable thereto. Failure to comply with any such requirement will be deemed to invalidate the permit. Permits may also be cancelled or may be refused as provided in § 319.8-3, or entry denied as provided in §§ 319.8-11, 319.8-12, and 319.8-13.

(g) If through no fault of the importer a shipment of cotton or covers arrives at a United States port in advance of the issuance of a permit, it may be held, under suitable safeguards prescribed by the inspector at the port, in Customs custody at the risk of the importer, pending issuance of a permit, for a period not exceeding 20 days.

§ 319.8-3 *Refusal and cancellation of permits.* (a) Permits for the importation of lint, linters, and waste from contiguous areas of Mexico as authorized in § 319.8-11 may be refused and existing permits cancelled by the Chief of the Branch or the inspector (1) if, in the opinion of the Chief of the Branch, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into such contiguous areas of cotton and covers grown or handled in other parts of Mexico infested by the pink bollworm or in countries other than the United States, or (2) if the lint, linters, and

waste have not been produced in the contiguous areas and handled under sanitary conditions paralleling those required by § 301.52-1 et seq. of this chapter, as amended, for like products originating in parts of the United States designated in § 301.52-2 of this chapter, as amended, as coming within the pink bollworm regulated area.

(b) Permits for the importation of lint and linters from the West Coast of Mexico as authorized in § 319.8-12 may be refused and existing permits cancelled by the Chief of the Branch or the inspector (1) if, in the opinion of the Chief of the Branch, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the West Coast of Mexico of cotton and covers grown or handled in other parts of Mexico infested with the pink bollworm or in countries other than the United States, or (2) if it has been determined by the Branch that the pink bollworm exists in the area comprising the West Coast of Mexico.

(c) Permits for the importation of cotton and covers from the Imperial Valley of Mexico as authorized in § 319.8-13 may be refused and existing permits cancelled by the Chief of the Branch or the inspector (1) if, in the opinion of the Chief of the Branch, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the State of Baja California, Mexico, of cotton and covers grown or handled in other parts of Mexico or in countries other than the United States, (2) if it has been determined by the Branch that the pink bollworm exists in the Imperial Valley of Mexico, or elsewhere in the State of Baja California, or (3) if cottonseed is moved to the Southern Territory of Baja California from areas of Mexico infested with the pink bollworm or from countries other than the United States, or other pest hazards are discovered or allowed to develop therein or in the State of Baja California which in the opinion of the Chief of the Branch would increase the risk of pest introduction into the United States by importations under § 319.8-13.

§ 319.8-4 *Notice of arrival.* Immediately upon arrival at a port of entry of any shipment of cotton or covers the importer shall submit in duplicate, through the United States Collector of Customs and for the United States Department of Agriculture, a notice of such arrival, on a form provided for that purpose (Form PQ-368) and shall give such information as is called for by that form.

§ 319.8-5 *Marking of containers.* Every bale or other container of lint, linters, waste, or covers imported or offered for entry shall be plainly marked with a bale number or other mark to distinguish it from other bales or containers. Bales of lint and linters from contiguous areas of Mexico, the West Coast of Mexico, and the Imperial Valley of Mexico shall, in addition, be tagged or otherwise marked to show the gin or mill of origin, unless for immediate export.

§ 319.8-6 *Cottonseed cake and cottonseed meal.* Entry of cottonseed cake and cottonseed meal will be authorized through any port at which the services of an inspector are available, subject to examination by an inspector for freedom from contamination. If found to be free of contamination, importations of such cottonseed cake and cottonseed meal will be released from further plant quarantine entry restrictions. If found to be contaminated such importations will be refused entry or subjected as a condition of entry to such safeguards as the inspector may prescribe, according to a method selected by him from administratively authorized procedures known to be effective under the conditions under which the safeguards are applied.

§ 319.8-7 *Processed lint, linters, and waste.* Entry of lint, linters, and waste will be authorized without treatment but upon compliance with other applicable requirements of this subpart when the inspector can determine that such lint, linters, and waste have been so processed by bleaching, dyeing, or other means, as to have removed all cottonseed or to have destroyed all insect life.

§ 319.8-8 *Lint, linters, and waste—*

(a) *Compressed to high density.* (1)

(i) Entry of lint, linters, and waste, compressed to high density, will be authorized subject to vacuum fumigation by approved methods at any port where approved fumigation facilities are available.

(ii) Importations of such lint, linters, and waste, arriving at a northern port where there are no approved fumigation facilities may be entered for transportation in bond to another northern port where such facilities are available, for the required vacuum fumigation.

(iii) Importations of such lint, linters, and waste, arriving at a port in the State of California where there are no approved fumigation facilities may be entered (a) for immediate transportation in bond by all-water route to a port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or (b) for immediate transportation in bond by all-water route to a northern port for entry, without fumigation, for utilization as provided for in subparagraph (2) of this paragraph.

(2) Entry of lint, linters, and waste compressed to high density, will be authorized without vacuum fumigation at any northern port, subject to movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch to the effect that, in consideration of the waiving of vacuum fumigation as a condition of entry and the substitution of approved utilization therefor—

(i) The lint, linters, and waste so entered will be processed or manufactured at the mill or plant and until so used will be retained thereat, unless written authority is granted by the Branch to move the material to another mill or plant;

(ii) Sanitary measures satisfactory to the Branch will be taken with respect to the collection and disposal of any waste, residues, and covers, including the collection and disposal of refuse from rail-

road cars, trucks, or other carriers used in transporting the material to the mill or plant;

(iii) Inspectors of the Branch will have access to the mill or plant at any reasonable time to observe the methods of handling the material, the disposal of refuse, residues, waste, and covers, and otherwise to check compliance with the terms of the agreement;

(iv) Such reports of the receipt and utilization of the material, and disposal of waste therefrom as may be required by the inspector will be submitted to him promptly.

(v) Such other requirements as may be necessary in the opinion of the Chief of the Branch to assure retention of the material, including all wastes and residues, at the mill or plant and its processing, utilization or disposal in a manner that will eliminate all pest risk, will be complied with.

(3) Failure to comply with any of the conditions of an agreement specified in subparagraph (2) of this paragraph may be cause for immediate cancellation of the agreement by the inspector and refusal to release, without vacuum fumigation, lint, linters, and waste for transportation to the mill or plant.

(4) Agreements specified in subparagraph (2) of this paragraph may be executed only with owners or operators of mills or plants located in States in which cotton is not grown commercially and at locations in such other States as may be administratively designated by the Chief of the Branch after due consideration of possible pest risk involved and the proximity of growing cotton.

(b) *Uncompressed or compressed.* (1)

(i) Entry of uncompressed or compressed lint, linters, and waste will be authorized, subject to vacuum fumigation by approved methods, through any northern port, through any port in the State of California, and through any port on the Mexican Border, where approved fumigation facilities are available.

(ii) Importations of such lint, linters, and waste arriving at a northern port where there are no approved fumigation facilities may be entered for immediate transportation in bond to another northern port where such facilities are available, for the required vacuum fumigation.

(iii) Importation of such lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered (a) for immediate transportation in bond by all-water route to any port in California or any northern port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or (b) if compressed below high density, or if uncompressed waste derived from cotton milled in a non-cotton-producing country,⁴ for immediate transportation in

⁴For the purposes of this subpart the following countries are considered as non-cotton-producing countries: Austria, Belgium, Canada, Denmark, Elro, Finland, France, Germany, Great Britain (United Kingdom), Iceland, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Sweden and Switzerland.

bond by all-water route to a northern port for entry without vacuum fumigation for utilization as provided for in paragraph (a) (2) of this section.

(2) Entry without vacuum fumigation will be authorized for compressed lint, linters, and waste and for uncompressed waste derived from cotton milled in non-cotton-producing countries,⁴ arriving at a northern port, subject to movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch as provided for in paragraph (a) (2) of this section.

§ 319.8-9 *Hull fiber and gin trash.* (a) Entry of hull fiber will be authorized under the same conditions as are applicable to waste under this subpart.

(b) Entry of gin trash will be authorized under the same conditions as are applicable to either seed cotton or cottonseed under this subpart.

§ 319.8-10 *Covers.* (a) Covers, including bags, slit bags, and parts of bags, which have been used as containers for cotton grown or processed in countries other than the United States may be authorized entry either (1) through northern ports or ports in the State of California, subject to vacuum fumigation by an approved method at a northern port or a California port, or without vacuum fumigation when the covers are moved for utilization to an approved mill or plant the owner or operator of which has executed an appropriate agreement with the Branch similar to that described in § 319.8-3 (a) (2), provided that movement by an all-water route will be required when it is necessary to move such covers from a California port to another California port or to a northern port for vacuum fumigation thereat or for forwarding therefrom to a mill or plant for utilization; or (2) through Mexican Border ports named in the permits, for vacuum fumigation by approved methods in parts of the United States within the pink bollworm regulated area designated in § 301.52-2 of this chapter, as amended. When such covers arrive at a port³ other than a northern, California or Mexican Border port they will be required to be transported therefrom immediately, in bond by an all-water route, to a northern or California port where approved vacuum fumigation facilities are available, for vacuum fumigation thereat by an approved method or forwarding therefrom to an approved mill or plant for utilization: *Provided*, That such forwarding from a northern port to a California mill or plant must be by an all-water route.

(b) American cotton bagging, commonly known as coarse gunny, which has been used to cover only cotton grown or processed in the United States, may be authorized entry at any port under permit and upon compliance with §§ 319.8-4 and 319.8-5, without fumigation or other treatment. Marking patches of the finer burlaps or other fabrics when attached to bales of such bagging may be disregarded if, in the judgment of the inspector, they do not

present a risk of carrying live pink bollworms, golden ematode cysts or flag smut spores.

(c) Bags, slit bags, parts of bags, and other covers which have been used as containers for root crops or are of a kind ordinarily used as containers for root crops may be authorized entry subject to immediate treatment in such manner and according to such method as the inspector may select from administratively authorized procedures known to be effective under the conditions under which the treatment is applied, and subject to any additional safeguard measures that may be prescribed by the inspector pursuant to § 319.8-24, or that he may prescribe in regard to the manner of discharge from the carrier and conveyance to the place of treatment: *Provided*, That such covers may be authorized entry from Canada without treatment as prescribed in this paragraph unless the covers are found to be contaminated.

(d) Bags, slit bags, parts of bags, and other covers that have been used as containers for wheat or wheat products that have not been so processed as to have destroyed all flag smut disease spores, or that have been used as containers for field seeds separated from wheat during the process of screening, and which arrive from a country named in § 319.59 (notice of quarantine No. 59 relating to the flag smut disease)⁵ if intended for reuse in this country as grain containers may be authorized entry, subject to immediate treatment at the port of arrival. If such covers are not intended to be reused in this country as grain containers their entry may be authorized subject to movement for utilization to an approved mill or plant the owner or operator of which has executed an appropriate agreement with the Branch similar to that described in § 319.8-3 (a) (2). Covers coming within this paragraph only, may be entered without permit other than the authorization provided in this paragraph and without other restriction under this subpart upon presentation to an inspector of satisfactory evidence that they have been used only for grains exported from the United States and are being returned empty without use abroad and that while abroad they have been handled in a manner to prevent their contamination.

(e) When upon arrival at a port of entry any shipment of bags, slit bags, parts of bags, or other covers, is found to include one or more bales containing material the importation of which is regulated by paragraph (a), (c), or (d) of this section, the entire shipment, or any portion thereof, may be required by the inspector to be treated as specified in the applicable paragraph.

⁵ The countries named in § 319.59, the Flag Smut Disease Quarantine, are Aden Protectorate, Afghanistan, Australia, Bulgaria, Caucasus (including but not limited to Azerbaïdzhân, South Russia, and Transcaucasia), Chile, China, Cyprus, Egypt, Germany, Greece, India, Iran, Iraq, Israel, Italy, Japan, Netherlands, Oman, Pakistan, Palestine, Portugal, Saudi Arabia, Sinai Peninsula, Spain, Syria, Trans-Jordan, Tunisia, Turkestan, Turkey, Union of South Africa, and Yemen.

(f) If upon their arrival at a port of entry covers are classified by the inspector as coming within more than one paragraph of this section, they will be authorized entry only upon compliance with such requirements of the applicable paragraphs as the inspector may deem necessary to prevent the introduction of plant diseases and insect pests.

(g) Notwithstanding the provisions of any other paragraph of this section the entry from any country of bags, slit bags, parts of bags, and other covers will be authorized without treatment but upon compliance with other applicable sections of this subpart if the inspector finds that they have obviously not been used in a manner that would contaminate them or when in the inspector's opinion there is otherwise no plant pest risk associated with their entry.

OTHER CONDITIONS APPLICABLE TO COTTON AND COVERS FROM MEXICO

§ 319.8-11 *From contiguous areas of Mexico—(a) Lint, linters, and waste.* (1) Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into contiguous areas of Mexico of cotton and covers grown or handled in other parts of Mexico infested with the pink bollworm or in countries other than the United States, the entry of lint, linters, and waste that have been certified by an inspector as having been produced in the contiguous areas of Mexico and as having been grown and handled under sanitary conditions paralleling those required for like products originating in adjacent parts of the United States designated as within the pink bollworm regulated area in § 301.52-2 of this chapter, as amended, will be authorized through ports on the Mexican Border named in the permits for movement into such regulated area of the United States. Gin and oil mill wastes from the contiguous areas of Mexico may be similarly authorized entry subject to treatment, under supervision of an inspector, according to procedures administratively approved under § 301.52 et seq. of this chapter, as amended, as a prerequisite for movement out of the area regulated on account of pink bollworm. Such lint, linters, and waste must be in covers free of contamination to the satisfaction of the inspector. Upon arrival at such ports, the lint, linters, and waste meeting the requirements of this section will be released from further plant quarantine entry restrictions and will immediately become subject to the requirements of said § 301.52 et seq., applicable to like products originating in the pink bollworm regulated area.

(2) If the chief of the Branch or the inspector finds that effective quarantines are not so maintained by Mexican officials, or if an inspector is unable to certify lint, linters, or waste as specified in subparagraph (1) of this paragraph, entry will be refused under this section and will only be authorized in accordance with § 319.8-7, § 319.8-8, § 319.8-14, § 319.8-16, § 319.8-17, § 319.8-18, or § 319.8-20.

(b) *Cottonseed and cottonseed hulls.* (1) Entry of cottonseed will be authorized at any port on the Mexican Border

³ See footnote 3 on p. 8661.

⁴ See footnote 4 on p. 8662.

when certified by an inspector as having been produced in a contiguous area of Mexico, as having been treated by a method satisfactory to the Chief of the Branch, and as having been subsequently handled so as to prevent risk of introducing live pink bollworms and other injurious insects and plant diseases.

(2) Entry of cottonseed hulls will be authorized at any port on the Mexican Border when certified by an inspector as having been produced from seed that was treated in a contiguous area of Mexico by a method satisfactory to the Chief of the Branch, and as having been subsequently handled so as to prevent risk of introducing live pink bollworms and other injurious insects and plant diseases.

(3) Upon arrival in the United States such cottonseed and cottonseed hulls shall be released from further plant quarantine entry restrictions and shall immediately become subject to the requirements of § 301.52 et seq. of this chapter, as amended, applicable to cottonseed and cottonseed hulls originating in the pink bollworm regulated area.

§ 319.8-12 *From West Coast of Mexico—(a) Compressed lint and linters.* Contingent (1) upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the West Coast of Mexico of cotton and covers grown or handled in parts of Mexico infested with the pink bollworm or in countries other than the United States, and (2) upon continued freedom of this area from infestation with the pink bollworm, the entry of lint and linters that are compressed and that originate in the West Coast of Mexico will be authorized through such ports as are specified in the permits. If the Chief of the Branch or the inspector determines that either of these contingencies is not met, entry will be refused under this paragraph and will only be authorized in accordance with §§ 319.8-7, 319.8-8, 319.8-14, 319.8-16, 319.8-17, 319.8-18, or 319.8-20.

(b) *Uncompressed lint and linters.* Uncompressed lint and linters from the West Coast of Mexico in covers free of contamination to the satisfaction of the inspector may be entered for immediate transportation in bond to a port designated by the inspector and by a route selected by him from a list of administratively approved ports and routings available to him, for compression, vacuum fumigation, or immediate exportation, or such material may be entered for movement to an approved mill or plant, the owner or operator of which has executed an agreement with the Branch similar to that described in § 319.8-8 (a) (2).

(c) *Treated linters and cottonseed hulls.* Linters and cottonseed hulls originating in the West Coast of Mexico that have been certified by an inspector as having been produced from cottonseed that was treated in the West Coast of Mexico by a method satisfactory to the Chief of the Branch and as having been subsequently protected from contamination may be entered through Nogales, Arizona, and such other ports as are specified in the permits.

§ 319.8-13 *From Imperial Valley, Mexico.* Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the State of Baja California, Mexico, of cotton and covers grown or handled in other parts of Mexico or in countries other than the United States, and upon continued freedom of the Imperial Valley of Mexico and other parts of the State of Baja California from infestation with the pink bollworm, and upon the absence of conditions in the Southern Territory of Baja California and the State of Baja California that would increase the risk of pest introduction into the United States by importations under this section, the entry of cotton and covers originating in the Imperial Valley of Mexico will be authorized through such ports on the Mexican Border as are specified in the permits. If the Chief of the Branch or the inspector determines that any of these contingencies is not met, entry will be refused under this section and will only be authorized in accordance with §§ 319.8-6 through 319.8-10, 319.8-14, or 319.8-16 through 319.8-20.

§ 319.8-14 *Special authorization for lint, linters, and waste from Mexico.* (a) Compressed lint, linters, and waste originating in Mexico may be entered under a permit at ports on the Mexican Border named in the permits, for movement via rail, over specified routes if required by the inspector, to (1) New Orleans, Louisiana, for vacuum fumigation or immediate exportation, (2) an approved mill or plant in the north, or other designated plant for manufacture into cellulose, if the owner or operator of such mill or plant has executed an agreement with the Branch as provided in § 319.8-8 (a) (2) or (3) northern ports for vacuum fumigation or exportation.

(b) Uncompressed lint, linters, and waste originating in Mexico will be authorized entry at Mexican Border ports specified in the permits (1) for movement to Fabens, Texas, for vacuum fumigation, after which they will be released from further plant quarantine entry restrictions and will immediately become subject to the requirements of § 301.52 et seq. of this chapter, as amended, applicable to like products originating in the pink bollworm regulated area, or (2) for compression at designated places located in parts of the United States designated as within the pink bollworm regulated area in § 301.52-2 of this chapter, as amended, after which such lint, linters, and waste shall be moved under the same conditions as described in paragraph (a) of this section.

(c) All such lint, linters, and waste enterable under this section must be in covers free from uncrushed cottonseed to the satisfaction of the inspector.

§ 319.8-15 *Mexican cotton and covers otherwise enterable.* Cotton and covers from Mexico may also be entered in accordance with §§ 319.8-6 through 319.8-10 and 319.8-16 through 319.8-20 insofar as said sections are applicable.

MISCELLANEOUS PROVISIONS

§ 319.8-16 *Importation into United States of cotton and covers exported therefrom.* (a) Cotton and covers grown, produced, or handled in the United States and exported therefrom, and in the original bales or other containers in which such material was exported therefrom, may be imported into the United States at any port under permit, without vacuum fumigation or other treatment or restriction as to utilization, upon compliance with §§ 319.8-2, 319.8-4, and 319.8-5, and upon the submission of evidence satisfactory to the inspector that such material was grown, produced, or handled in the United States and does not constitute a risk of introducing the pink bollworm into the United States.

(b) Cotton and covers of foreign origin imported into the United States in accordance with this subpart and exported therefrom, when in the original bales or other original containers, may be reimported into the United States under the conditions specified in paragraph (a) of this section.

§ 319.8-17 *Importation for exportation, and importation for transportation and exportation, storage.* (a) Importation of cotton and covers for exportation, or for transportation and exportation, in accordance with this subpart shall also be subject to §§ 352.1 through 352.8 of this chapter, as amended.

(b) Importation at northern ports of unfumigated lint, linters, waste, cottonseed cake, cottonseed meal, and covers used only for cotton, for exportation or for transportation and exportation through another northern port, may be authorized by the inspector under permit if, in his judgment, such procedures can be authorized without risk of introducing the pink bollworm.

(c) Importation, for purposes of storage in Customs custody pending exportation, of lint, linters, and waste, compressed to high density, will be authorized under permit at any port where approved fumigation facilities are available, and where there are inspectors at the port to supervise such storage, if the bales of such material are free of surface contamination, if they are kept segregated from other cotton and covers in a manner satisfactory to the inspector, and if waste is collected and disposed of in a manner satisfactory to the inspector.

(d) Except as provided in § 319.8-23 (a) (4) compressed lint, linters, and waste, uncompressed waste derived from cotton milled in a non-cotton-producing country,* and covers, arriving at a port in the north for entry for exportation, vacuum fumigation, or utilization in accordance with the requirements in this subpart, may be allowed movement in Customs custody for storage at a point in the north pending such exportation, or movement to an approved mill or plant for vacuum fumigation or utilization, when there are inspectors available to supervise such storage, if the bales are free of surface contamination, if they are kept segregated from other cotton

* See footnote 4 on p. 8662.

and covers in a manner satisfactory to the inspector, and if waste is collected and disposed of in a manner satisfactory to the inspector. Such lint, linters, waste, and covers shall remain under Customs custody until released by the inspector.

(e) Importation of lint, linters, and waste from Mexico for transportation and exportation will be authorized under permit if such material is compressed before, or immediately upon entering into the United States, or is compressed while en route to the port of export at a compress specifically authorized in the permit. The ports of export which may be named in the permit shall be limited to those that have been administratively approved for such exportation. Storage of such compressed cotton may be authorized, in approved bonded warehouses in Texas.

(f) Importation of uncompressed lint, linters, and waste from Mexico will be authorized under permit at Brownsville, Texas, for exportation. Importation of such material may also be authorized at such other ports and under such conditions as may be designated in the permits for transportation to and exportation from the designated ports.

§ 319.8-18 *Samples.* (a) Samples of lint, linters, waste, cottonseed cake, and cottonseed meal may be entered without further permit other than the authorization contained in this section, but subject to inspection and such treatment as the inspector may deem necessary. Samples which represent either such products of United States origin or such products imported into the United States in accordance with the requirements of this subpart, and which were exported from the United States, may be entered into the United States without inspection when the inspector is satisfied as to the identity of the samples.

(b) Samples of cottonseed or seed cotton may be entered subject to the conditions and requirements provided in §§ 319.8-2, 319.8-4, and 319.8-19.

(c) Bales or other containers of cotton shall not be broken or opened for sampling and samples shall not be drawn until the inspector has so authorized and has prescribed the conditions and safeguards under which such samples shall be obtained.

§ 319.8-19 *Cottonseed or seed cotton for experimental or scientific purposes.* Entry of small quantities of cottonseed or seed cotton for experimental or scientific purposes may be authorized through such ports as may be named in the permit, and shall be subject to such special conditions as shall be set forth in the permit to provide adequate safeguards against pest entry.

§ 319.8-20 *Importations by the Department of Agriculture.* Cotton and covers may be imported by the Department of Agriculture for experimental or scientific purposes under such conditions as may be prescribed by the Chief of the Branch, which conditions may include clearance through the Plant Introduction Section of the Horticultural Crops Research Branch, Agricultural Research Service.

§ 319.8-21 *Release of cotton and covers after 18 months' storage.* Cotton and covers, the entry of which has been authorized subject to vacuum fumigation or other treatment because of the pink bollworm only, and which have not received such treatment but have been stored for a period of 18 months or more will be released from further plant quarantine entry restrictions.

§ 319.8-22 *Ports of entry or export.* When ports of entry or export are not specifically designated in this subpart but are left to the judgment of the inspector, the inspector shall designate only such ports as have been administratively approved for such entry or export.

§ 319.8-23 *Treatment.* (a) (1) Vacuum fumigation as required in this subpart shall consist of fumigation, in a vacuum fumigation plant approved by the Chief of the Branch, under the supervision of an inspector and to his satisfaction. Continued approval of the plant will be contingent upon the granting by the operator thereof, to the inspector, of access to all parts of the plant at all reasonable hours for the purpose of supervising sanitary and other operating conditions, checking the efficacy of the apparatus and chemical operations, and determining that waste has been cleaned up and disposed of in a manner satisfactory to the inspector; and upon the maintenance at the plant of conditions satisfactory to the inspector.

(2) After cotton and covers have been vacuum fumigated they shall be so marked under the supervision of an inspector. Such material may thereafter be distributed, forwarded, or shipped without further plant quarantine entry restriction.

(3) Cotton and covers held by an importer for vacuum fumigation must be stored under conditions satisfactory to the inspector.

(4) Prompt vacuum fumigation of cotton and covers (other than high density cotton free of surface contamination) will be required at non-northern ports. Similar prompt vacuum fumigation will be required at Norfolk, Virginia, during the period June 15 to October 15 of each year, except for covers which have been used to contain only lint, linters, or waste, and the bales of which are compressed to a density of 28 or more pounds per cubic foot and are free of surface contamination.

(b) An inspector may authorize the substitution of processing, utilization, or other form of treatment for vacuum fumigation when in his opinion such other treatment, selected by him from administratively authorized procedures, will be effective in eliminating infestation of the pink bollworm.

§ 319.8-24 *Collection and disposal of waste.* (a) Importers shall handle imported, unfumigated cotton and covers in a manner to avoid waste. If waste does occur, the importer or his agent shall collect and dispose of such waste in a manner satisfactory to the inspector.

(b) If, in the judgment of an inspector, it is necessary as a safeguard

against risk of pest dispersal to clean railway cars, lighters, trucks, and other vehicles and vessels used for transporting such cotton or covers, or to cleaners, warehouses, fumigation plants, mills, or other premises used in connection with importation of such cotton or covers, the importer or his agent shall perform such cleaning, in a manner satisfactory to the inspector.

(c) All costs incident to such collection, disposal, and cleaning other than the services of the inspector during his regular tour of duty and at the usual place of duty, shall be borne by the importer or his agent.

§ 319.8-25 *Costs and charges.* The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer. The Branch will not assume responsibility for any costs or charges, other than those indicated in this section, in connection with the entry, inspection, treatment, conditioning, storage, forwarding, or any other operation of any character incidental to the physical entry of an importation of a restricted material.

§ 319.8-26 *Material refused entry.* Any material refused entry for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector may prescribe. If such material is not promptly safeguarded by the importer, removed from the United States, or abandoned for destruction to the satisfaction of the inspector it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U. S. C. 164a). Neither the Department of Agriculture nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, cartage, labor, chemicals, or other expenses incidental to the safeguarding or disposal of material refused entry by the inspector, nor will the Department of Agriculture or the inspector assume responsibility for the value of material destroyed.

§ 319.8-27 *Applicability of Mexican Border Regulations.* The provisions in this subpart in no way affect the applicability of Part 320 of this chapter, as amended, the Mexican Border Regulations, to the entry from Mexico of railway cars or other vehicles or materials.

This document modifies some of the requirements of the regulations for entry of cotton, certain cotton products, and covers where experience with trade practices and enforcement of the regulations have shown the desirability of changes to accord with recognized hazards of pest introduction. The principal modification requires that in most instances importations of bagging used for root crops, or of a kind ordinarily used for root crops, regardless of origin (with an exception for that imported from Canada) must be fumigated upon entry. This is being required because of the impracticability of determining whether or not

RULES AND REGULATIONS

such bagging has previously been used for root crops produced on soil infested with the golden nematode, and because of the present lack of knowledge concerning golden nematode distribution in foreign countries. Other changes are made in the quarantine and regulations for the sake of clarity.

The foregoing quarantine and regulations shall be effective on and after December 26, 1955, at which time they shall supersede the subpart—Foreign Cotton and Covers (7 CFR 1954 Supp. 319.8, 319.8-1 *et seq.*) effective May 10, 1953 (18 F. R. 2015)

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 55-9439; Filed, Nov. 23, 1955;
8:47 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—1956

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA

§ 721.701 *Basis and purpose.* (a) This document is issued to proclaim the commercial corn-producing area for 1956 pursuant to sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended.

(b) In making the determinations contained in § 721.702, the corn acreage estimates of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the statistics of the Bureau of the Census relating to numbers of farms and acreage of farmland were used, adjusted where necessary to reflect the difference in the definition of "farm" used by the Commodity Stabilization Service and the Agricultural Conservation Program Service from that of the Bureau of the Census. It is hereby found and determined that the statistics of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the Bureau of the Census, as so adjusted and supplemented by Agricultural Conservation Program Service data, constitute the latest and most reliable statistics of the Federal Government.

§ 721.702 *Commercial corn-producing area for the year 1956.* The commercial corn-producing area for the year 1956 comprises the following counties:

ALABAMA
De Kalb. Madison.
Jackson. Marshall.

ARKANSAS
Clay. Greene.
Craighead.

DELAWARE
All counties.

ILLINOIS
All counties.
INDIANA
All counties except Brown and Crawford.
IOWA
All counties.

KANSAS
Anderson. Leavenworth.
Atchison. Marshall.
Brown. Miami.
Clay. Nemaha.
Cloud. Phillips.
Doniphan. Pottawatomie.
Douglas. Republic.
Franklin. Riley.
Jackson. Shawnee.
Jefferson. Smith.
Jewell. Washington.
Johnson.

KENTUCKY
Allen. Jefferson.
Ballard. Larue.
Barren. Livingston.
Boone. Logan.
Boyle. Lyon.
Breckenridge. Mason.
Bullitt. McCracken.
Butler. McLean.
Caldwell. Marion.
Calloway. Meade.
Carlisle. Monroe.
Carroll. Nelson.
Christian. Oldham.
Crittenden. Shelby.
Davies. Simpson.
Edmonson. Spencer.
Fulton. Taylor.
Graves. Todd.
Grayson. Trigg.
Hancock. Trimble.
Hardin. Union.
Hart. Warren.
Henderson. Washington.
Hickman. Webster.
Hopkins.

MARYLAND
Garoline. Queen Annes.
Carroll. Somerset.
Cecil. Talbot.
Dorchester. Washington.
Frederick. Wicomico.
Kent. Worcester.
Montgomery.

MICHIGAN
Allegan. Lenawee.
Barry. Livingston.
Berrien. Macomb.
Branch. Mecosta.
Calhoun. Midland.
Cass. Monroe.
Clinton. Montcalm.
Eaton. Oakland.
Genesee. Saginaw.
Gratiot. Sanilac.
Hillsdale. St. Clair.
Ingham. St. Joseph.
Ionia. Shiawassee.
Isabella. Tuscola.
Jackson. Van Buren.
Kalamazoo. Washtenaw.
Kent. Wayne.
Lapeer.

MINNESOTA
Douglas.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Hennepin.
Houston.
Jackson.
Kandiyohi.
Lac qui Parle.

MINNESOTA—Continued
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Morrison.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Otter Tail.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sherburne.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watsonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

MISSOURI
Adair.
Andrew.
Atchison.
Audrain.
Bates.
Benton.
Bollinger.
Boone.
Buchanan.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clay.
Clinton.
Cole.
Cooper.
Davies.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jefferson.
Johnson.
Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mercer.
Mississippi.
Moniteau.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Perry.
Pettis.
Pike.
Platte.
Putnam.
Ralls.
Randolph.
Ray.
St. Charles.
St. Clair.
St. Louis.
St. Genevieve.
Saline.
Schuyler.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Warren.
Wayne.
Worth.

NEBRASKA
Adams.
Antelope.
Boone.
Boyd.
Buffalo.
Burt.
Butler.
Cass.
Cedar.
Clay.
Colfax.
Cuming.
Custer.
Dakota.
Dawson.
Dixon.
Dodge.
Douglas.
Fillmore.
Franklin.
Furnas.
Gage.
Garfield.
Gosper.
Greeley.
Hall.
Hamilton.
Harlan.
Holt.
Howard.
Jefferson.
Johnson.
Kearney.
Knox.
Lancaster.
Lincoln.
Madison.
Merrick.
Nance.
Nomaha.
Nuckolls.
Otoe.
Pawnee.
Phelps.
Pierce.
Platte.
Polk.
Richardson.
Saline.
Sarpy.
Saunders.
Seward.
Sherman.
Stanton.
Thayer.
Thurston.
Valley.
Washington.
Wayne.
Webster.
York.

NEW JERSEY

Burlington. Mercer.
Cumberland. Salem.
Gloucester. Somerset.
Hunterdon. Warren.

NORTH CAROLINA

Beaufort. Lenoir.
Bertie. Martin.
Camden. Nash.
Chowan. Northampton.
Craven. Onslow.
Currituck. Pasquotank.
Duplin. Perquimans.
Edgecombe. Pitt.
Gates. Sampson.
Greene. Washington.
Halifax. Wake.
Hertford. Wayne.
Johnston. Wilson.
Jones.

NORTH DAKOTA

Richland.

OHIO

Adams. Lorain.
Allen. Lucas.
Ashland. Madison.
Auglaize. Marion.
Brown. Medina.
Butler. Mercer.
Champaign. Miami.
Clark. Montgomery.
Clermont. Morgan.
Clinton. Morrow.
Coshocton. Muskingum.
Crawford. Ottawa.
Darke. Paulding.
Defiance. Perry.
Delaware. Pickaway.
Erie. Pike.
Fairfield. Preble.
Fayette. Putnam.
Franklin. Richland.
Fulton. Ross.
Green. Sandusky.
Hamilton. Scioto.
Hancock. Seneca.
Hardin. Shelby.
Henry. Stark.
Highland. Tuscarawas.
Hocking. Union.
Holmes. Van Wert.
Huron. Vinton.
Jackson. Warren.
Knox. Wayne.
Lawrence. Williams.
Licking. Wood.
Logan. Wyandot.

PENNSYLVANIA

Adams. Lancaster.
Berks. Lebanon.
Blair. Lehigh.
Bucks. Lycoming.
Carbon. Mifflin.
Centre. Montgomery.
Chester. Montour.
Clinton. Northampton.
Columbia. Northumberland.
Cumberland. Perry.
Dauphin. Schuylkill.
Franklin. Snyder.
Fulton. Union.
Huntingdon. York.
Juniata.

SOUTH DAKOTA

Aurora. Deuell.
Beadle. Douglas.
Bon Homme. Grant.
Brookings. Gregory.
Brule. Hamlin.
Charles Mix. Hanson.
Clark. Hutchinson.
Clay. Jerauld.
Codington. Kingsbury.
Davison. Lake.
Day. Lincoln.

SOUTH DAKOTA—Continued

McCook. Sanborn.
Miner. Tripp.
Minnehaha. Turner.
Moody. Union.
Roberts. Yankton.

TENNESSEE

Benton. Lauderdale.
Cheatham. Marion.
Crockett. Montgomery.
Dyer. Obion.
Franklin. Robertson.
Gibson. Stewart.
Haywood. Tipton.
Henry. Weakley.

VIRGINIA

Accomack. Northampton.
Charles City. Princess Anne.
Isle of Wight. Southampton.
Nansemond. Surry.
Norfolk. Sussex.

WEST VIRGINIA

Berkeley. Jefferson.

WISCONSIN

Adams. Lafayette.
Buffalo. Marquette.
Columbia. Milwaukee.
Crawford. Monroe.
Dane. Pepin.
Dodge. Pierce.
Dunn. Polk.
Eau Claire. Racine.
Fond du Lac. Richland.
Grant. Rock.
Green. St. Croix.
Green Lake. Sauk.
Iowa. Trempealeau.
Jackson. Vernon.
Jefferson. Walworth.
Juneau. Waukesha.
Kenosha. Waushara.
La Crosse. Winnebago.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 327, 52 Stat. 38, 51, as amended; 7 U. S. C. 1301, 1327)

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9442; Filed, Nov. 23, 1955;
8:50 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1956-Alaska, Supp. 1]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1956

MISCELLANEOUS AMENDMENTS

Assignments; clearing land to permit land-use adjustments needed in establishing soil conserving cropping systems; constructing wells for livestock water to provide soil protection through the adoption of livestock farming systems and increased acreages of permanent vegetative cover.

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act,

1956, the 1956 Agricultural Conservation Program for Alaska, approved August 2, 1955 (20 F. R. 5629), is amended as follows:

1. Section 1104.540 is amended by revising the last sentence to read as follows: "No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter) "

2. Section 1104.555 (practice 5) is amended by deleting the last sentence and substituting therefor the following: "To be eligible for land clearing, the farmer must either own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the requirements necessary to prove up on the homestead except in Homer County."

3. Section 1104.557 (practice 7) is amended by deleting the last sentence and substituting therefor the following: "To be eligible for a livestock well, the farmer must either own or be buying the farm, lease or rent the farm, or be homesteading. If he is homesteading, he must have completed the requirements necessary to prove up on the homestead except in Homer County."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 21st day of November 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-9457; Filed, Nov. 23, 1955;
8:19 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53953]

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 14—APPRAISEMENT

PART 16—LIQUIDATION OF DUTIES

PRACTICES IN IMPORT TRADE

In order to clarify, simplify, and make more effective and uniform the administration of the provisions of law hereinafter specified, relating to certain practices which may occur in import trade, the Customs Regulations are amended as follows:

1. Sections 12.42 to 12.47, relating to merchandise produced abroad by convict, forced, or indentured labor, are deleted and the following new sections are substituted therefor:

§ 12.42 *Findings of Commissioner of Customs.* (a) If any appraiser or other principal customs officer has reason to believe that any class of merchandise which is being, or is likely to be, imported into the United States is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the

purview of the first sentence of section 307, Tariff Act of 1930,²² he shall communicate his belief to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of the appraiser or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that merchandise produced in the circumstances mentioned in paragraph (a) of this section is being, or is likely to be, imported into the United States and, if the production is with the use of forced labor or indentured labor under penal sanctions, that merchandise of the same class is being produced in the United States in such quantities as to meet the consumptive demands of the United States may communicate his belief to any appraiser or the Commissioner of Customs. Every such communication shall contain, or be accompanied by, (1) a full statement of the reasons for the belief, (2) a detailed description or sample of the merchandise, and (3) all pertinent facts obtainable as to the production of the merchandise abroad. If the foreign merchandise is believed to be mined, produced, or manufactured with the use of forced labor or indentured labor under penal sanctions, such communication shall also contain (4) detailed information as to the production and consumption of the particular class of merchandise in the United States and the names and addresses of domestic producers likely to be interested in the matter.

(c) If any information filed with an appraiser pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information is found to comply with the requirements, it shall be transmitted by the appraiser within 10 days to

the Commissioner of Customs, together with all pertinent additional information available to the appraiser.

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a) or (b) of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner will cause such investigation to be made as appears to be warranted by the circumstances of the case and the Commissioner or his designated representative will consider any representations offered by foreign interests, importers, domestic producers, or other interested persons.

(e) If the Commissioner of Customs finds at any time that information available reasonably but not conclusively indicates that merchandise within the purview of section 307 is being, or is likely to be, imported, he will promptly advise all collectors of customs accordingly and the collectors shall thereupon withhold release of any such merchandise pending instructions from the Commissioner as to whether the merchandise may be released otherwise than for exportation.

(f) If it is determined on the basis of the foregoing that the merchandise is subject to the provisions of the said section 307, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will publish a finding to that effect.

(g) Any merchandise of a-class specified in a finding made under paragraph (f) of this section, which is imported directly or indirectly from the locality specified in the finding and has not been released from customs custody before the date of publication of such finding shall be considered and treated as an importation prohibited by section 307, Tariff Act of 1930, unless the importer establishes by satisfactory evidence that the merchandise was not mined, produced, or manufactured in any part with the use of a class of labor specified in the finding.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

§ 12.43 *Proof of admissibility.* (a) If an importer of any article detained under § 12.42 (e) or (g) desires to contend that the article was not mined, produced, or manufactured in any part with the use of a class of labor specified in section 307, Tariff Act of 1930, he shall submit to the Commissioner of Customs within 3 months after the date the article was imported a certificate of origin in the form set forth below, signed by the foreign seller or owner of the article and sworn to by him before an American consular officer or a person designated in section 482 (f) Tariff Act of 1930. If the article was mined, produced, or manufactured wholly or in part in a country other than that from which it was exported to the United States, an additional certificate in such form and so signed and sworn to by the last owner or seller in such other country, substituting the facts of transportation from such other country for the statements with respect to shipment from the country of exportation, shall be so submitted.

CERTIFICATE OF ORIGIN

I, _____, foreign seller or owner of the merchandise hereinafter described, do solemnly swear (affirm) that such merchandise, consisting of _____ (Quantity) of _____ in _____ (Description) bearing _____ (Number and kind of packages) the following marks and numbers _____ was mined, produced, or manufactured by _____ (Name) at or near _____, and was laden on board _____ (Carrier to the United States) at _____ which departed from _____ (Place of lading) _____ (Place of final departure from country of exportation) on _____ (Date) _____ (Class of labor specified in finding) was not employed in any stage of the mining, production, or manufacture of the merchandise or of any component thereof. Dated _____ (Signature) Subscribed and sworn to before me this _____ day of _____, 19____ [SEAL] _____ (Title)

(b) The importer shall also submit to the Commissioner of Customs within such 3-month period a statement of the ultimate consignee of the merchandise, showing in detail that he had made every reasonable effort to determine the source of the merchandise and of every component thereof and to ascertain the character of labor used in the production of the merchandise and each of its components, the full results of his investigation, and his belief with respect to the use of the class of labor specified in the finding in any stage of the production of the merchandise or of any of its components.

(c) If the certificate or certificates and statement specified in paragraphs (a) and (b) of this section are submitted within the time prescribed and the Commissioner finds that the merchandise is admissible, the collector of customs concerned will be advised to that effect, whereupon he shall release the merchandise upon compliance with the usual entry requirements.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

§ 12.44 *Disposition.* Merchandise detained pursuant to § 12.42 may be exported at any time before it is deemed to have been abandoned as hereinafter provided for. If it has not been exported within 3 months after the date of importation, the collector shall ascertain whether the proof specified in § 12.43 has been submitted within the time prescribed in that section. If the proof has not been so submitted, or if the Commissioner of Customs advises the collector that the proof furnished does not establish the admissibility of the merchandise, the collector shall promptly advise the importer in writing that the merchandise is excluded from entry. Upon the expiration of 60 days after the delivery or mailing of such advice by the

²² "All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to enter at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor, as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily." (Tariff Act of 1930, sec. 307; 19 U. S. C. 1307.)

collector, the merchandise shall be deemed to have been abandoned and shall be destroyed, unless it has been exported or a protest has been filed as provided for in section 514, Tariff Act of 1930.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

§ 12.45 *Transportation and marketing of prison-labor products.* If any apparent violation of section 1761 or 1762, title 18, United States Code,²³ with respect to any imported article comes to the attention of a collector of customs, he shall detain the article and report the facts to the appropriate United States attorney. If the United States attorney advises the collector that action should be taken against the article, it shall be seized and held pending the receipt of further instructions from the United States attorney or the court.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

2. Sections 14.8, 14.15, 14.16, and 14.17, relating to procedures under the Antidumping Act, 1921, as amended (19 U. S. C. 160-173) are deleted and the following new sections are substituted therefor:

§ 14.6 *Suspected dumping.* (a) If any appraiser or other principal customs officer has knowledge of any grounds for a reasonable suspicion that any merchandise is being, or is likely to be, imported into the United States at a purchase price or exporter's sales price less than the foreign market value (or, in the absence of such value, than the cost of production), as contemplated by section 201 (b) Anti-

²³"(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State." (18 U. S. C. 1761.)

"(a) All packages containing any goods, wares, or merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package.

"(b) Whoever violates this section shall be fined not more than \$1,000, and any goods, wares or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property, imported into the United States contrary to law." (18 U. S. C. 1762.)

dumping Act, 1921, as amended,²⁴ or at less than its "fair value" as that term is defined in § 14.7, he shall communicate his knowledge promptly to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of

"Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the Secretary has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the cost of production), he shall forthwith authorize, under such regulations as he may prescribe, the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to him or any person to whom authority under this section has been delegated, until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subdivision (a) in regard to such merchandise." (Antidumping Act, 1921, sec. 201 (b), as amended; 19 U. S. C. 160 (b).)

"Sec. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the 'Secretary') determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, (see § 14.7) he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The said Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a 'finding') of his determination and the determination of the said Commission. The Secretary's finding shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

"Sec. 202. (a) In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided for in section 201, entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping was raised by or presented to the Secretary, or any person to whom authority under section 201 has been delegated, and as to which no appraisement report has been made before such finding has been so made public, if the purchase price or the exporter's sales price is less than the foreign market value (or, in the absence of such value, than the cost of production) there shall be levied, collected, and paid, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to such difference."

"(b) If it is established to the satisfaction of the appraising officers that the amount of such difference between the purchase price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all pur-

the appraiser or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that merchandise is being, or is likely to be, imported into the United States under such circumstances as to bring it within the purview of the Antidumping Act, 1921, as amended,²⁵ may communicate

charters for exportation to the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section.

"(c) If it is established to the satisfaction of the appraising officers that the amount of such difference between the exporter's sales price and the foreign market value is wholly or partly due to the fact that the wholesale quantities, in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the United States in the ordinary course of trade, are greater than the wholesale quantities in which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country of exportation in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), then due allowance shall be made therefor in determining the foreign market value for the purposes of this section.

"Sec. 203. That for the purposes of this title, the purchase price of imported merchandise shall be the price at which such merchandise has been purchased or agreed to be purchased, prior to the time of exportation, by the person by whom or for whose account the merchandise is imported, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less the amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States; and plus the amount, if not included in such price, of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller, in respect to the manufacture, production or sale of the merchandise, which have been rebated, or which have not been collected by reason of the exportation of the merchandise to the United States.

"Sec. 204. That for the purpose of this title the exporter's sales price of imported merchandise shall be the price at which such merchandise is sold or agreed to be sold in the United States, before or after the time of importation, by or for the account of the exporter, plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, less (1) the

his belief and the reasons therefor in writing to any appraiser of merchandise or to the Commissioner of Customs. Every such communication shall contain or be accompanied by the following:

(1) A detailed description or sample of the merchandise; the name of the country from which it is being, or is likely to be, imported; and the ports or probable ports of importation into the United States. If no sample is furnished, the appraiser concerned in appropriate cases may call upon the person who furnished the information to furnish samples of the imported and competitive domestic articles, or either.

amount, if any, included in such price, attributable to any additional costs, charges, and expenses, and United States import duties, incident to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States, (2) the amount of the commissions, if any, for selling in the United States the particular merchandise under consideration, (3) an amount equal to the expenses, if any, generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and (4) the amount of any export tax imposed by the country of exportation on the exportation of the merchandise to the United States; and plus the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States; and plus the amount of any taxes imposed in the country of exportation upon the manufacturer, producer, or seller in respect to the manufacture, production, or sale of the merchandise, which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States.

"Sec. 205. That for the purposes of this title the foreign market value of imported merchandise shall be the price, at the time of exportation of such merchandise to the United States, at which such or similar merchandise is sold or freely offered for sale to all purchasers in the principal markets of the country from which exported, in the usual wholesale quantities and in the ordinary course of trade for home consumption (or, if not so sold or offered for sale for home consumption, then for exportation to countries other than the United States), plus, when not included in such price, the cost of all containers and coverings and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States, except that in the case of merchandise purchased or agreed to be purchased by the person by whom or for whose account the merchandise is imported, prior to the time of exportation, the foreign market value shall be ascertained as of the date of such purchase or agreement to purchase. In the ascertainment of foreign market value for the purposes of this title no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

"Sec. 206. That for the purposes of this title the cost of production of imported merchandise shall be the sum of—

"(1) The cost of materials of, and of fabrication, manipulation, or other process employed in manufacturing or producing, identical or substantially identical merchandise, at a time preceding the date of shipment of the particular merchandise under consideration which would ordinarily permit the manufacture or production of the particular merchandise under consideration in the usual course of business;

(2) Such detailed data as to values and prices as is reasonably available to the person furnishing the information and is relied upon by him to support his belief, including information as to any differences between the foreign market value or cost of production and the import purchase price or exporter's sales price which may be accounted for by any difference in taxes, discounts, incidental costs such as those for packing or freight, or other items.

(3) All information as to the existence of any conditions or restrictions attached to sales of the merchandise in question in the country of exportation which is

"(2) The usual general expenses (not less than 10 per centum of such cost) in the case of identical or substantially identical merchandise;

"(3) The cost of all containers and coverings, and all other costs, charges, and expenses incident to placing the particular merchandise under consideration in condition, packed ready for shipment to the United States; and

"(4) An addition for profit (not less than 8 per centum of the sum of the amounts found under paragraphs (1) and (2)) equal to the profit which is ordinarily added, in the case of merchandise of the same general character as the particular merchandise under consideration, by manufacturers or producers in the country of manufacture or production who are engaged in the same general trade as the manufacturer or producer of the particular merchandise under consideration.

"Sec. 207. That for the purposes of this title the exporter of imported merchandise shall be the person by whom or for whose account the merchandise is imported into the United States:

"(1) If such person is the agent or principal of the exporter, manufacturer, or producer; or

"(2) If such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer; or

"(3) If the exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

"(4) If any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 per centum or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 per centum or more of such power or control in the business of the exporter, manufacturer, or producer.

"Sec. 208. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and delivery of which has not been made by the collector before such finding has been so made public, unless the person by whom or for whose account such merchandise is imported makes oath before the collector, under regulations prescribed by the Secretary, that he is not an exporter, or unless such person declares under oath at the time of entry, under regulations prescribed by the Secretary, the exporter's sales price of such merchandise, it shall be unlawful for the collector to deliver the merchandise until such person has made oath before the collector, under regulations prescribed by the Secretary, that the merchandise has not been sold or agreed to be sold by such person, and has given bond to the collector, under regulations prescribed by the Secretary, with sureties approved by

reasonably available to the person furnishing the information.

(4) Such detailed information as to the existence or likelihood of injury to an established or prospective industry in the United States as is reasonably available to the person furnishing the information.

(c) If any information filed with an appraiser pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information

the collector, in an amount equal to the estimated value of the merchandise, conditioned: (1) that he will report to the collector the exporter's sales price of the merchandise within 30 days after such merchandise has been sold or agreed to be sold in the United States, (2) that he will pay on demand from the collector the amount of special dumping duty, if any, imposed by this title upon such merchandise, and (3) that he will furnish to the collector such information as may be in his possession and as may be necessary for the ascertainment of such duty, and will keep such records as to the sale of such merchandise as the Secretary may by regulation prescribe.

"Sec. 209. That in the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary has made public a finding as provided in section 201, and as to which the appraiser or person acting as appraiser has made no appraisement report to the collector before such finding has been so made public, it shall be the duty of each appraiser or person acting as appraiser, by all reasonable ways and means to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost of production to the contrary notwithstanding) and report to the collector the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and any other facts which the Secretary may deem necessary for the purposes of this title.

"Sec. 210. That for the purposes of this title the determination of the appraiser or person acting as appraiser as to the foreign market value or the cost of production, as the case may be, the purchase price, and the exporter's sales price, and the action of the collector in assessing special dumping duty, shall have the same force and effect and be subject to the same right of appeal and protest, under the same conditions and subject to the same limitations; and the general appraisers, the Board of General Appraisers, and the Court of Customs Appeals shall have the same jurisdiction, powers, and duties in connection with such appeals and protests as in the case of appeals and protests relating to customs duties under existing law.

"Sec. 211. That the special dumping duty imposed by this title shall be treated in all respects as regular customs duties within the meaning of all laws relating to the drawback of customs duties.

"Sec. 212. That this title may be cited as the 'Antidumping Act, 1921.'"

"Sec. 406. That when used in Title II * * *

"The term 'person' includes individuals, partnerships, corporations, and associations; and

"The term 'United States' includes all Territories and possessions subject to the jurisdiction of the United States, except the Virgin Islands, the islands of Guam and Tutuila, and the Canal Zone.

"Sec. 407. That the Secretary shall make rules and regulations necessary for the enforcement of this Act." (Antidumping Act, 1921, as amended; 19 U. S. C. 160-173.)

is found to comply with the requirements, it shall be transmitted by the appraiser within 10 days to the Commissioner of Customs, together with all pertinent additional information obtainable by the appraiser. Before making such transmittal, or as soon thereafter as possible, the appraiser shall make such inquiry regarding the matter among importers, domestic producers and distributors, or others as he may deem appropriate and report the results to the Commissioner together with his comments thereon.

(d) Upon receipt pursuant to paragraph (a) (b) or (c) of this section of information in proper form, the Commissioner will proceed expeditiously to ascertain whether reasonable grounds exist to suspect that the merchandise is being, or is likely to be, sold at less than its fair value as that term is defined in § 14.7, or at less than its statutory value under the Antidumping Act, that is, its foreign market value (or, in the absence of such value, the cost of production)

(e) If the Commissioner determines that there are reasonable grounds to suspect that any merchandise is being, or is likely to be, sold at less than its statutory value under the Antidumping Act, he will advise all appraisers of that fact, furnishing an adequate description of the merchandise and the name of each country of exportation. Upon receipt of such advice the appraisers shall proceed in accordance with the pertinent provisions of § 14.9.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

§ 14.7 *Fair value.* The amendment to this section was published in T. D. 53773.

§ 14.8 *Determination of fact or likelihood of sales at less than fair value; determination of injury; finding of dumping.* (a) When the Commissioner of Customs has given advice to appraisers pursuant to § 14.6 (e) the Secretary of the Treasury will proceed as promptly as possible to determine whether the merchandise in question is in fact being, or is likely to be, sold in the United States or elsewhere at less than its fair value. If the determination is affirmative, the Secretary will advise the United States Tariff Commission accordingly.

(b) If the Tariff Commissioner determines that there is, or is likely to be, the injury contemplated by the statute, the Commissioner of Customs will make the finding contemplated by section 201 (a) of the Anti-dumping Act, as amended, with respect to the involved merchandise.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

§ 14.9 *Action by appraiser' appearance of importer* (a) Upon receipt of advice from the Commissioner of Customs pursuant to § 14.6 (e) or of advice of a finding made in accordance with § 14.8 (b), the appraiser shall withhold appraisement of any merchandise within the purview of the advice or finding and shall notify the collector and importer immediately of each lot of merchandise with respect to which appraisement is so withheld.

(b) When the appraiser notifies the importer of a withheld appraisement in accordance with paragraph (a) of this section, he shall concurrently request the importer or his duly authorized agent, except as specified in paragraph (f) or (g) of this section, to appear before him to furnish the following information, unless the information has already been obtained.

(1) The name and address of the ultimate consignee of the merchandise and, if such consignee is not the person for whose account the merchandise was imported, the name and address of the last-mentioned person.

(2) Whether or not the person for whose account the merchandise was imported is the exporter of such merchandise within the meaning of section 207 of the Antidumping Act.

(c) If, before a finding of dumping has been made, or before a case has been closed without a finding, the appraiser is satisfied by information furnished by the importer or otherwise that the purchase price or exporter's sales price, in respect of any shipment, is not less than foreign market value (or, in the absence of such value, than the cost of production) he shall so advise the Commissioner and request authorization to proceed with his appraisement of that shipment in the usual manner.

(d) If the appraiser is not satisfied by information furnished by the importer or otherwise that the merchandise is not being sold at less than its foreign market value (or, in the absence of such value, than the cost of production), or if a finding of dumping has been made, he shall require the importer or his agent to file a certificate of the importer on the appropriate one of the following forms:

Form 1

NONEXPORTER'S CERTIFICATE
ANTIDUMPING ACT, 1921

Port of _____
Date _____, 19____
Re: Entry No. _____, dated _____, 19____
Import carrier: _____ Arrived _____, 19____
I certify that I am not the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry. I further certify that the merchandise was purchased for importation by _____ on _____, 19____, and that the purchase price is _____
(Signed) _____

Form 2

EXPORTER'S CERTIFICATE WHEN SALES PRICE IS KNOWN
ANTIDUMPING ACT, 1921

Port of _____
Date _____, 19____
Re: Entry No. _____, dated _____, 19____
Import carrier: _____ Arrived _____, 19____
I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry; that the merchandise is sold or agreed to be sold at the price stated in the attached statement; and that, if any of such merchandise is actually sold at any price different from the price stated therefor in the attached statement, I will immediately notify the appraiser of all the circumstances.
The merchandise was acquired by me in the following manner: _____

and has been sold or agreed to be sold to _____ at _____
(Name and address) (Price)
(Signed) _____

Form 3

EXPORTER'S CERTIFICATE WHEN SALES PRICE IS NOT KNOWN
ANTIDUMPING ACT, 1921

Port of _____
Date _____, 19____
Re: Entry No. _____, dated _____, 19____
Import carrier: _____ Arrived _____, 19____
I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry, and that I have no knowledge as to any price at which such merchandise will be sold in the United States. I hereby agree that I will keep a record of the sales and will furnish the appraiser within 30 days after the sale of any of such merchandise a statement of each selling price. I further agree that, if any of the merchandise has not been sold before the expiration of 6 months from the date of entry, I will so report to the appraiser upon such expiration date.
The merchandise was acquired by me in the following manner: _____
(Signed) _____

Form 4

EXPORTER'S CERTIFICATE WHEN MERCHANDISE IS NOT, AND WILL NOT BE, SOLD
ANTIDUMPING ACT, 1921

Port of _____
Date _____, 19____
Re: Entry No. _____, dated _____, 19____
Import carrier: _____ Arrived _____, 19____
I certify that I am the exporter as defined in section 207, Antidumping Act, 1921, of the merchandise covered by the aforesaid entry, and that such merchandise has not been, and will not be, sold in the United States for the following reason: _____
(Signed) _____

(e) If an unqualified certificate on Form 4 is filed and the appraiser is satisfied that no evidence can be obtained to contradict it, he shall notify the collector promptly that appraisement of the shipment is no longer being withheld on account of the Antidumping Act and proceed to appraise the merchandise in the usual manner.

(f) When an importer has filed a certificate provided for in paragraph (d) of this section, upon each subsequent importation by the same person of merchandise of the kind covered by such certificate, the importer or his agent may attach an appropriate certificate to the invoice at the time of entry, and the appraiser may thereupon waive a further appearance by the importer or his agent.

(g) An importer who imports the same kind of merchandise from the same country at two or more ports in the United States under a single arrangement with the foreign shipper may prepare in written form all the information furnished by him or his agent to one appraiser regarding such merchandise pursuant to paragraph (b) of this section and submit it to such appraiser. If the appraiser approves the statement as correctly and fully covering all the information so furnished to him, he shall endorse the statement accordingly and transmit it to any other appraiser or appraisers specified by the importer or the importer's agent. Upon receipt of the endorsed statement and a written re-

quest and declaration of the importer or his agent that the statement be accepted in lieu of the appearance required by paragraph (b) of this section and that the statement fully and truly applies with respect to the merchandise under consideration by the appraiser receiving the statement and request, such appraiser shall grant the request, unless he has good reason to believe that pertinent information not contained in the statement is obtainable from the importer or his agent.

(Secs. 201, 202, 208, 407, 42 Stat. 11, as amended, 14, 18, Sec. 486, 46 Stat. 725, as amended, 19 U. S. C. 160, 161, 167, 173, 1486)

§ 14.10 *Release of merchandise; bond.* (a) When the collector has received a notice of withheld appraisement provided for in § 14.9 (a), or when he has been advised of a finding provided for in § 14.8 (b) and so long as such notice or finding is in effect, he shall withhold release of any merchandise of a class or kind covered by such notice or finding which is then in his custody or is thereafter imported, unless an appropriate bond is filed or is on file, as specified hereafter in this section, or unless he is advised by the appraiser that the merchandise covered by a specified entry will be appraised without regard to the Antidumping Act.

(b) If the merchandise is of a class or kind covered by a notice of withheld appraisement provided for in § 14.9 (a) or by a finding provided for in § 14.8 (b), a single consumption entry bond covering the shipment, in addition to any other required bond, shall be furnished by the person making the entry or withdrawal, unless the provisions of the next paragraph are applicable and in other cases unless the collector is satisfied that the bond under which the entry was filed is sufficient.

(c) If the merchandise is of a class or kind covered by a finding provided for in § 14.8 (b) and the importer or his agent has filed a certificate on Form 3 (§ 14.9 (d)), the bond required by section 208 of the Antidumping Act shall be on customs Form 7591. In such case, a separate bond shall be required for each entry or withdrawal, and such bond shall be in addition to any other bond required by law or regulation. The record of sales required under the conditions of the bond on customs Form 7591 shall identify the entry covering the merchandise and show the name and address of each purchaser, each selling price, and the date of each sale.

(d) The penalty of any additional bond required under this section, shall be in an amount equal to the entered value of the merchandise covered by the notice or finding, except that, in the case of merchandise which appears to the satisfaction of the collector to be unconditionally free of duty and not potentially subject to any demand for redelivery on account of any import restriction or prohibition, the bond may be in such lesser amount as will assure payment of any special duty that may accrue by reason of the Antidumping Act, but in no case less than \$100.

(Secs. 208, 407, 42 Stat. 14, 18; 19 U. S. C. 167, 173)

§ 14.11 *Conversion of currencies.* In determining the existence and amount of any difference between the purchase price or exporter's sales price and the foreign market value (or, in the absence of such value, the cost of production) for the purposes of section 201 (b) or 202 (a) of the Antidumping Act, as amended, any necessary conversion of a foreign currency into its equivalent in United States currency shall be made in accordance with the provisions of section 522, Tariff Act of 1930 (31 U. S. C. 372) (a) as of the date of purchase or agreement to purchase, if the purchase price is an element of the comparison, or (b) as of the date of exportation, if the exporter's sales price is an element of the comparison.

(Secs. 201, 202, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 161, 173)

§ 14.12 *Modification or revocation of finding.* An application for the modification or revocation of any finding made as provided for in § 14.8 (b) will receive due consideration if submitted in writing to the Commissioner of Customs together with detailed information concerning any change in circumstances or practice which has obtained for a substantial period of time, or other reasons, which the applicant believes will establish that the basis of the finding no longer exists with respect to all or any part of the merchandise covered thereby.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

§ 14.13 *Publication of findings.* (a) Each finding made in accordance with § 14.8 (b) will be published in a weekly issue of Treasury Decisions and in the FEDERAL REGISTER.

(b) The following findings of dumping are currently in effect:

Merchandise	Country	T. D.
Hardboard.....	Sweden.....	53567
Cast iron soil pipe, other than "American Pattern"	United Kingdom..	53934

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U. S. C. 160, 173)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

3. Section 16.21 (a) is amended by substituting "Commissioner of Customs" for "Secretary of the Treasury."

4. Footnote 16, appended to § 16.21 (a) is amended by revising the first paragraph to read "See § 14.13 of this Chapter.

5. The citation of authority for § 16.21 is amended to read as follows: (Secs. 202, 209, 407, 42 Stat. 11, as amended, 15, 18; 19 U. S. C. 161, 168, 173)

6. Section 16.24 is amended to read as follows:

§ 16.24 *Countervailing duties.* (a) Any appraiser or other principal customs officer who obtains any information that any bounty or grant is being paid or bestowed with respect to dutiable merchandise imported into the United States, so as to require action under sec-

tion 303, Tariff Act of 1930,¹³ shall communicate such information promptly to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of the appraiser or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that any bounty or grant is being paid or bestowed with respect to dutiable merchandise imported into the United States may communicate his belief to any appraiser or the Commissioner of Customs. Every such communication shall contain, or be accompanied by, (1) a full statement of the reasons for the belief, (2) a detailed description or sample of the merchandise, (3) all pertinent facts obtainable as to any bounty or grant being paid or bestowed with respect to such merchandise.

(c) If any information filed with an appraiser pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information is found to comply with the requirements, it shall be transmitted by the appraiser within 10 days to the Commissioner of Customs, together with all pertinent additional information available to the appraiser.

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a) (b) or (c), of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner will cause such investigation to be made as appears to be warranted by the circumstances of the case and the Commissioner or his designated repre-

¹³ "Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated. The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of such additional duties." (Tariff Act of 1930, sec. 303; 19 U. S. C. 1303.)

sentative will consider any representations offered by foreign interests, importers, domestic producers, or other interested persons.

(e) If it is determined that the application of the said section 303 is required, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will issue a countervailing duty order describing the merchandise, designating the country or area in which it is produced or from which it is exported, and declaring the ascertained or estimated

amount of the bounty or grant or a rule for calculating or estimating such amount.

(f) Each order issued pursuant to paragraph (e) of this section will be published in a weekly issue of Treasury Decisions and in the FEDERAL REGISTER. Orders or notices issued under section 303, Tariff Act of 1930, or a corresponding provision of a prior act, are currently in effect with respect to the merchandise listed below:

Country	Commodity	Treasury Decision	Action
Australia	Sugar content of certain articles	39541 49157 52923 42937 43957 48551 51478 50993	Declared rate. New estimated rates. Contingent suspension of rates. Bounties declared—Rates. New rates. New estimated rate. Bounties declared—Contingent rates. Bounties declared—Rates.
Canada	Fortified wines. Cheese, 93-94 score, from whole milk, cheddar, including "washed curd," types. Cheese, 93-94 score, blue-vein, of Roquefort type.	53182	Bounties declared—Rates.
Cuba	Cordage	53534	Bounties declared—Rates.
Denmark	Butter	57896 48734	Bounties declared—Rates. Discontinued as to direct shipments.
Great Britain	Spirits	34466 34752 34982 35089 35510 35663 47826-7 52355 42895 43634 44742 47475 53476 49335 50103 50127	Bounties declared—Rates. Bounties declared—Rates. Descriptions. No bounty on rum. Proof gallons. Alcoholic perfumery. Orange bitters. Quantity for computing duty. Bounty on plain spirits terminated. Bounties declared—Rates. Bounties—Additional articles. New rates. New rates. New rates and additional articles. Bounties declared—Rates. New rates.
	Silk and silk articles	47753 47826-7 53257 53446	Bounties declared—Rates. Quantity for computing duty. Bounties declared—Rates. New rate.
Ireland	Spirits	47753	Bounties declared—Rates.
Uruguay	Wool tops	53257 53446	Quantity for computing duty. Bounties declared—Rates. New rate.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 7, 1955:

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9448; Filed, Nov. 23, 1955;
8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.245 governing the operation of drawbridges where constant attend-

No. 229—3

ance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, is hereby amended prescribing paragraph (j) (25-a), (27) and (28), respectively, to govern the operation of the St. Louis, Brownsville and Mexico Railway Company bridge across Lavaca River in the vicinity of Vanderbilt, Texas, the Nueces County bridge in Padre Island Causeway across Humble Oil and Refining Company channel (Laguna Madre), and the Texas Highway Department bridge across the Arroyo Colorado River at Rio Hondo, Texas, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.* * * *

(25-a) Lavaca River, Tex., St. Louis, Brownsville and Mexico Railway Company bridge near Vanderbilt. At least 48-hours' advance notice required, except in emergencies, when the bridge will be opened as soon as possible after receipt of notice.

(27) Laguna Madre, Tex., Padre Island Causeway (Nueces County) swing barge bridge across Humble Oil and Refining Company channel. Between 4:00 p. m. and 7:00 a. m., at least 1-hour advance notice required: *Provided*, That these regulations may be temporarily suspended by the District Engineer, Corps of Engineers, Galveston, Texas, for such periods as he may determine to be necessary upon notice to Nueces County.

(28) Arroyo Colorado River, Tex., The Texas Highway Department bridge at Rio Hondo. At least 24-hours' advance notice required.

[Regs., November 2, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.560 governing the operation of drawbridges where constant attendance of draw tenders is not required over the Mississippi River and its tributaries, is hereby amended in respect to paragraph (f) (23) and (25) respectively, governing the operation of the Arkansas Highway Department bridges across the Black River at Pochontas, Arkansas, and across the Current River at Biggers, Arkansas, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Lower Mississippi River.* * * *

(23) Black River, Ark.; Arkansas Highway Department bridge at Pochontas. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(25) Current River, Ark.; Arkansas Highway Department bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

[Regs., November 2, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-9423; Filed, Nov. 23, 1955;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1008]

[Docket No. AO 275]

HANDLING OF MILK IN THE INLAND EMPIRE MILK MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of

marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision of the Acting Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Inland Empire marketing area which was issued November 1, 1955 (20 F. R. 8295) is hereby extended until November 26, 1955.

Dated: November 22, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator

[F. R. Doc. 55-9481; Filed, Nov. 22, 1955; 12:30 p. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-8968 etc.]

SUCCESSOR OF ED. E. HURLEY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 18, 1955.

In the matters of Successor of Ed. E. Hurley, Docket No. G-8968; Guy R. Campbell, Docket No. G-8996; C. A. Pears, Jr., Trustee, Mary W. Bottomly and John S. Bottomly, Docket No. G-9005; National Gas Corporation, Docket No. G-9013; B. B. Jaynes, Trustee, Docket No. G-9014; Palmer Gas Company, Docket No. G-9015; Viney Gas Company, Docket No. G-9016; Clark Curry, Docket No. G-9017; Apache Gasoline Company, Docket No. G-9064; W. G. Haun, Docket No. G-9068; Albert S. Clinkscales, Docket No. G-9101; Frederick Finnap, Docket No. G-9104; Shamrock Oil and Gas Corporation, Docket No. G-9122; F. M. Late, Docket No. G-9150; F. M. Late, Docket No. G-9151; F. M. Late, Docket No. G-9152; Michaelis Drilling Company, Docket No. G-9180; Sherrod & Apperson, Docket No. G-9186.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open for public inspection.

Each of the above-named Applicants produce and/or purchase natural gas which is sold in interstate commerce for transportation and for resale as indicated below:

Docket No., Location of Field in Which Gas Is Purchased and/or Produced, Purchaser

G-8968; Produced and purchased from Delhi Field, Richland Parish, Louisiana; Texas Eastern Transmission Corporation.

G-8996; Produced from Big Springs Field, Deuel County, Nebraska; Kansas-Nebraska Natural Gas Company, Inc.

G-9005; Produced from Hugoton Field, Stevens County, Kansas; Northern Natural Gas Company.

G-9013; Purchased and Produced from Cabell County, West Virginia; Southeastern Gas Company.

G-9014; Produced from Union and Jefferson Districts, Lincoln County, West Virginia; South Penn Natural Gas Company.

G-9015; Produced from McCombes District, Cabell County, West Virginia; United Fuel Gas Company.

G-9016; Produced from Sheridan District, Lincoln County, West Virginia; South Penn Natural Gas Company.

G-9017; Produced from Carrol District, Lincoln County, West Virginia, South Penn Natural Gas Company.

G-9064; Purchased from West Brook Field, Carter County, Oklahoma; Lone Star Gas Company.

G-9068; Produced from Hugoton Field, Finney County, Kansas; Kansas-Nebraska Natural Gas Co., Inc.

G-9101; Produced from Hugoton Field, Texas County, Oklahoma; Northern Natural Gas Company.

G-9104; Produced from Hugoton Field, Kearney and Finney Counties, Kansas; Kansas-Nebraska Natural Gas Co., Inc.

G-9122; Produced from West Panhandle Field, Hutchinson County, Texas; Phillips Petroleum Co.

G-9150; Produced from Levelland Field, Cochran County, Texas; Llano Grande Corporation.

G-9151; Produced from Levelland Field, Cochran County, Texas; Llano Grande Corporation.

G-9152; Produced from Levelland Field, Cochran County, Texas; Llano Grande Corporation.

G-9180; Produced from Hugoton Field, Haskell County, Texas; Colorado Interstate Gas Company.

G-9186; Produced from Big Springs Field, Goliad County, Texas; Wilcot Trend Gathering System.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 6, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUGUAY,
Secretary.

[F. R. Doc. 55-9426; Filed, Nov. 23, 1955; 8:45 a. m.]

[Docket No. G-6213]

UNION PACIFIC RAILROAD CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 17, 1955.

Take notice that Union Pacific Railroad Company, a Utah corporation (Applicant) whose address is 1416 Dodge Street, Omaha 2, Nebraska, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Natural gas is produced from lands owned or leased by Applicant in the Church Buttes Field, South Baxter Basin Field, and Middle Baxter Basin Field of Sweetwater and Uinta Counties, Wyoming, which is sold in interstate commerce to Mountain Fuel Supply Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings, pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9427; Filed, Nov. 23, 1955;
8:45 a. m.]

[Docket No. G-6214 etc.]

HENRIETTA YEAGER JONES ET AL.

NOTICE OF APPLICATIONS AND DATE
OF HEARING

NOVEMBER 17, 1955.

In the matters of Van Lewis, Attorney-in-fact, for Henrietta Yeager Jones, Dockets Nos. G-6214, G-6215; Nancy Lewis Welsh, et al., Docket No. G-6218; R. D. McDonald, Jr., Docket No. G-6902.

Take notice that the above-designated Applicants filed applications docketed as above listed and as hereinafter tabulated, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to render service as shown in the tabulation, subject to the jurisdiction of the Commission, all as more fully stated in the applications which are on file with the Commission and open to public inspection.

Applicants produce natural gas from gas fields located in Texas, as indicated below, and sell it in interstate commerce to the Texas-Illinois Gas Pipeline Company for resale.

*Docket No.; Gas Field; County; and
Date Filed*

G-6214; Clayton; Live Oak; November 29, 1954.

G-6215; Clayton; McMullen; November 29, 1954.

G-6218; Clayton; Live Oak and McMullen; November 29, 1954.

G-6902; Old Ocean; Matagorda and Brazoria; November 30, 1954.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9428; Filed, Nov. 23, 1955;
8:45 a. m.]

[Docket No. G-6881 etc.]

HUGH McMILLAN AND TED M. WHITE ET AL.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

NOVEMBER 17, 1955.

In the matters of Hugh McMillan and Ted M. White Docket No. G-6881, William G. Webb, Docket No. G-6887; W. O. McConnell Docket No. G-6888; Critchell Parsons, et al., Docket No. G-6908.

Take notice that the above-designated Applicants, hereinafter referred to singly and collectively as Applicant, whose respective addresses are as follows: Hugh McMillan and Ted White, El Paso, Texas; William G. Webb, Dallas, Texas; W. O. McConnell, Farmington, New Mexico; Critchell Parsons, Dallas, Texas, filed on November 30, 1954, their respective applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas from gas fields in San Juan and Rio Arriba Counties, New Mexico, and sells it in interstate commerce to the El Paso Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9429; Filed, Nov. 23, 1955;
8:45 a. m.]

[Docket No. G-6315]

NUECES ROYALTY Co.

NOTICE OF APPLICATION AND DATE OF
HEARING

NOVEMBER 17, 1955.

Take notice that Nueces Royalty Company, a partnership J. R. Howe, manager (Applicant) whose address is South Texas Building, San Antonio, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant, an independent producer, produces natural gas in the Sun Gas Field, Starr County, Texas, which is sold to the Sun Oil Company and resold by it in interstate commerce to the Tennessee Gas Transmission Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1955, at 9:50 a. m., e. s. t., in a hearing room of Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before December 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9430; Filed, Nov. 23, 1955;
8:46 a. m.]

[Docket No. G-6946, etc.]

CONTINENTAL OIL CO.

NOTICE OF APPLICATIONS AND DATE OF
HEARING

NOVEMBER 17, 1955.

Take notice that Continental Oil Company (Applicant) a Delaware corporation whose address is 608 Fannin St., Houston, Texas, filed on November 30, 1954, five applications for certificates of public convenience and necessity in the above-designated dockets, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from various gas fields in Texas, Oklahoma, Louisiana, Wyoming and Montana, as shown in the tabulation below, which gas is sold in interstate commerce to the natural gas companies as indicated, for resale.

Docket No., Gas Field; County; State; and
Name of Buyer

G-6946; Carthage; Panola; Texas; Texas
Gas Transmission Corporation.

G-6948; Johnson; Cameron Parish; Louisiana; United Gas Pipe Line Company.

G-6957; West Edmond; Canadian, King Fisher, Logan, and Oklahoma; Oklahoma; Cities Service Gas Company.

G-6958; Elk Basin; Park, Carbon; Wyoming; Montana; Montana-Dakota Utilities Company.

G-6959; Elk Basin; Park, Carbon; Wyoming; Montana; Montana-Dakota Utilities Company,

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1955, at 9:40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 15, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9431; Filed, Nov. 23, 1955;
8:46 a. m.]

[Docket Nos. G-6916—G-6918, G-6920]

BEN F BRACK OIL CO., INC.

NOTICE OF APPLICATIONS AND DATE
OF HEARING

NOVEMBER 18, 1955.

Take notice that Ben F Brack Oil Company, Inc. (Applicant) a Kansas corporation whose address is Brown Building, Wichita, Kansas, filed on November 30, 1954, applications for certificates of public convenience and necessity in the above designated dockets, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Alefs and Ryan, Gas Fields in Barton and Rush Counties, Kansas, which gas is sold in interstate commerce to the Kansas-Nebraska Natural Gas Company, Incorporated, for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the

Commission's rules of practice and procedure, a hearing will be held on December 27, 1955, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9432; Filed, Nov. 23, 1955;
8:46 a. m.]

[Docket No. G-6919]

BEN F. BRACK ET AL.

NOTICE OF APPLICATION AND DATE OF
HEARING

NOVEMBER 18, 1955.

Take notice that Helen B. Dale, Joo E. Dale, Henry B. Brack, Ben F Brack, Lucille B. Grant, Bernard D. Grant, Dorothy M. Brack, Leland E. Brack and Anna E. Brack, hereinafter referred to singly and collectively, as (Applicant), whose address is 309 Brown Building, Wichita, Kansas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Alefs Gas Field, Barton County, Kansas, and sells it to the Kansas-Nebraska Natural Gas Company, Inc., in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by

such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9433; Filed, Nov. 23, 1955;
8:46 a. m.]

[Docket Nos. G-7005—G-7017, G-7019]

COLUMBIAN FUEL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

NOVEMBER 18, 1955.

Take notice that Columbian Fuel Corporation (Applicant) a Delaware corporation whose address is 380 Madison Avenue, New York City, New York, filed on November 30, 1954, fourteen applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas from various gas fields in several counties and states which it sells to various natural gas companies in interstate commerce for resale. Natural gas which is produced by Applicant and sold as aforesaid, are as follows:

Docket No., Name of Purchaser, Gas Field, County, and State

G-7005; Panhandle Eastern Pipe Line Co., Hugoton; Grant; Kansas.

G-7006; Colorado Interstate Gas Company; Hugoton; (eight counties); Kansas.

G-7007; Cities Service Gas Company; Hugoton; Grant; Kansas.

G-7008; Kentucky-West Virginia Gas Co., Leases; Pike; Kentucky.

G-7009; United Fuel Gas Company; (nine counties); Kentucky.

G-7010; Colorado-Interstate Gas Company; Hugoton; (four counties); Kansas.

G-7011; Hugoton Plains Gas and Oil Co., Hugoton; Texas; Oklahoma.

G-7012; The Kansas Nebraska Natural Gas Co., Hugoton; Texas; Oklahoma.

G-7013; Cities Service Gas Company; Hugoton; Stevens; Kansas.

G-7014; Northern Natural Gas Company; Hugoton; Texas; Oklahoma.

G-7015; Northern Natural Gas Company; Hugoton; Kearny; Texas.

G-7016; Colorado-Interstate Gas Company; Hugoton; Haskell; Kansas.

G-7017; Northern Natural Gas Company; Hugoton; Stevens; Kansas.

G-7019; Panhandle Eastern Pipe Line Co.; Hugoton; Stevens; Kansas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 27, 1955, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9434; Filed, Nov. 23, 1955;
8:46 a. m.]

[Docket No. G-9268]

DAYTON POWER AND LIGHT CO.

NOTICE OF APPLICATION

NOVEMBER 18, 1955.

Take notice that the Dayton Power and Light Company (Applicant), filed on August 26, 1955, an application, pursuant to Section 7 (a) of the Natural Gas Act, for an order directing Ohio Fuel Gas Company (Ohio Fuel) to establish a physical connection of its transmission facilities with the proposed distribution facilities of Applicant and to supply natural gas to Applicant for resale in the Village of West Liberty, Ohio.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9435; Filed, Nov. 23, 1955;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

DISASTER ASSISTANCE; DELINEATION OF AREA AND DESIGNATION OF COUNTIES

Pursuant to Public Law 875, the President determined on August 13 and August 19, 1955, that major disasters occasioned by hurricanes existed in the State of North Carolina.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364; and 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following named counties in the State of North Carolina were on October 7, 1955, determined to be the area affected by the major disasters of hurricanes for said purposes:

NORTH CAROLINA

Beaufort.	Hyde.
Carteret.	Famlico.
Craven.	Tyrell.
Dare.	Washington.

Done at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-9444; Filed, Nov. 23, 1955;
8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 57-59, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the basic conference agreement (No. 57) in order to implement the reorganization of the conference; i. e., consolidation of the Southern and Northern Districts with headquarters at San Francisco.

(2) Agreement No. 8055, between Matson Navigation Company and Compagnie Generale Transatlantique, covers the transportation of canned pineapple on through bills of lading from Hawaii to Europe, with transshipment at ports on the Pacific Coast of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: November 18, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9459; Filed, Nov. 23, 1955;
8:49 a. m.]

Maritime Administration

CERTAIN TRADE ROUTES

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS; CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that the Maritime Administrator has considered the comments and views submitted by interested persons, firms or corporations with respect to his conclusions and determinations regarding the essentiality and United States flag service requirements of the following United States foreign trade routes as published in the FEDERAL REGISTER issues on the respective dates indicated below:

1. Trade Routes Nos. 5, 7 and 9—June 22, 1955 (20 F. R. 4374)
2. Trade Route No. 10—June 16, 1955 (20 F. R. 4231)
3. Trade routes Nos. 16 and 17—March 29, 1955 (20 F. R. 1900)
4. Trade Route No. 25—June 18, 1955 (20 F. R. 4309) and
5. Trade Route No. 27—June 14, 1955 (20 F. R. 4164)

and has directed that the conclusions and determinations with respect to said trade routes as published in the above-mentioned issues of the FEDERAL REGISTER shall stand unchanged.

By order of the Maritime Administrator.

Dated. November 18, 1955.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9460; Filed, Nov. 23, 1955;
8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RENEWAL AND PROJECT REPRESENTATIVES, REGION IV (CHICAGO)

REDELEGATION OF AUTHORITY TO APPROVE THIRD PARTY CONTRACTS WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The Regional Director of Urban Renewal of Region IV (Chicago) and Project Representatives of Region IV are authorized to approve contracts between local public agencies and third parties, with respect to the program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C. 1450-1460) and under Section 312 of the Housing Act of 1954 (68 Stat. 629)

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947; 62 Stat. 1283 (1948), as amended by

64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428-9, 1-19-55) as amended effective June 17, 1955 (20 F. R. 4275, 6-17-55))

Effective as of the 27th day of October 1955.

JOHN P. MCCOLLUM,
Regional Administrator
Region IV

[F. R. Doc. 55-9456; Filed, Nov. 23, 1955;
8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO TRANSFER OF JURISDICTION OF INTEREST

NOVEMBER 16, 1955.

Notice is hereby given that the Office of Territories, Department of the Interior, has made an application, Fairbanks 012860, for transfer of jurisdiction of interest to the Office of Territories of the following property:

Commencing at the northwest corner of Lot 13, Block 4W, Tok Townsite, U. S. Survey No. 2931. thence, N. 9° 02' E., 80 feet across First Avenue West to the true point of beginning; thence continuing N. 9° 02' E. along east line of West Second Street 300 feet; thence S. 80° 58' E. along the south line of Second Avenue West 400 feet; thence S. 9° 02' W. along the west line of West First Street 300 feet; thence N. 80° 58' W. along the north line of First Avenue West 400 feet to true point of beginning, containing about 2.75 acres.

The purpose of this notice is to give persons having a bona fide objection to the transfer the opportunity to file with the Manager of the Land Office, Fairbanks, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the Director, Alaska Public Works, Juneau, Alaska.

ROGER R. ROBINSON,
Acting Area Administrator

[F. R. Doc. 55-9424; Filed, Nov. 23, 1955;
8:45 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

NOVEMBER 18, 1955.

The U. S. Forest Service, Department of Agriculture has filed an application, Serial No. Montana 020881 (SD) for the withdrawal of the lands described below, from location and entry under the general mining laws. The applicant desires the land for campgrounds, an organization camp and a picnic ground.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Castle Peak Camp Ground:

T. 1 N., R. 3 E.,
Sec. 2: NW¼.

Total area 160 acres.

Cheese Hill Camp Ground:

T. 1 N., R. 4 E.,
Sec. 7: E½NW¼.

Total area 80 acres.

100 F Organization Camp:

T. 3 N., R. 5 E.,
Sec. 20: NE¼SW¼.

Total area 40 acres.

Oreville Picnic Ground:

T. 2 S., R. 4 E.,
Sec. 14: W½NW¼NE¼, E½NW¼.

Total area 100 acres.

R. D. NIELSON,
State Supervisor

[F. R. Doc. 55-9425; Filed, Nov. 23, 1955;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31334. *Fertilizer from Ohio to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from Lima and Fernald, Ohio to points in southern territory.

Grounds for relief: Short-line distance formula, circuitry, and market competition.

Tariff: Agent Boin's tariff I. C. C. No. A-1075.

FSA No. 31335. *Magazines and periodicals to New Orleans, La.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on magazines and periodicals, also magazine parts or sections carloads, from Dunellen, New York, Brooklyn, N. Y., Philadelphia and Darby, Pa., to New Orleans, La.

Grounds for relief. Truck and water competition.

Tariff: Supplement 1 to Agent Boin's I. C. C. A-1079.

FSA No. 31336: *Cottonseed oil cake and meal to Lynchburg, Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cottonseed oil cake or oil cake meal; cottonseed oil meal and soybean oil meal; peanut oil cake or oil cake meal, and soybean oil cake or meal, straight or mixed carloads from Augusta, Ga., Columbia and Greenwood, S. C., to Lynchburg, Va.

Grounds for relief: Motor truck competition and circuitry.

Tariff: Supplement 36 to Agent Spaninger's I. C. C. No. 1411.

FSA No. 31337: *Merchandise from Howells Transfer Ga.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities in mixed carloads from Howells Transfer, Ga., to Cincinnati, Ohio, Memphis, Tenn., East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Carrier competition, short-line distance formula, and circuitry.

Tariff: Supplement 21 to Agent Spaninger's I. C. C. 1458.

FSA No. 31338: *Citrus fruit from Florida to Fort Smith, Ark.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on citrus fruit, carloads from points in Florida to Fort Smith, Ark.

Grounds for relief: Motor truck competition and circuitry.

Tariff: Supplement 72 to Agent Spaninger's I. C. C. 1211.

FSA No. 31339: *Fertilizer solutions from Tuscola, Ill., to South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer ammoniating solution and nitrogen fertilizer solution, tank-car loads from Tuscola, Ill., to points in southern territory.

Grounds for relief: Short-line distance formula and circuitry.

Tariffs: Supplement No. 52 to Agent Raasch's I. C. C. 784; Supplement No. 67 to Agent Raasch's I. C. C. 776.

FSA No. 31340: *Iron or steel billets from Steelton, Ky., to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron or steel billets, other than copper clad, carloads from Steelton, Ky., to Beaumont and Houston, Tex.

Grounds for relief: Truck and barge competition.

Tariff: Supplement 20 to Agent Kratzmeir's I. C. C. 4170.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F. R. Doc. 55-9447; Filed, Nov. 23, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1769]

REPUBLIC AVIATION CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 17, 1955.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Republic Aviation Corporation Common Stock, \$1 Par Value.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 5, 1955, from any interested person, the Commission will determine

whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-9436; Filed, Nov. 23, 1955; 8:46 a. m.]

[File No. 70-3405]

NATIONAL FUEL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

NOVEMBER 17, 1955.

National Fuel Gas Company ("National"), a registered holding company, having filed an application-declaration and an amendment thereto pursuant to sections 6, 7, 10, 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43, U-50 and U-62 promulgated thereunder, regarding certain proposed transactions, which are summarized as follows:

National owns 387,308 shares (62.26 percent) of the common stock of its utility subsidiary, Pennsylvania Gas Company ("Penn") the remaining 234,772 shares of common stock of Penn being held by approximately 850 minority stockholders.

National proposes to offer to all the minority stockholders of Penn, including Horace Cray who is a director of Penn and an affiliate of Penn and National, an opportunity to exchange their shares of Penn's common stock for shares of National's common stock on the basis of 1.45 shares of National's stock for 1 share of Penn's stock. If the exchange is accepted by all the minority stockholders, National will be required to issue 340,419 shares of its common stock, \$10 par value.

The offer is to be made within a period of 15 days after approval of the Commission is obtained, and will remain open for a period of 30 days thereafter.

National will not issue any fractional shares in connection with the exchange, nor will it pay cash or issue script in lieu of fractional shares. However, Warren National Bank of Warren, Pennsylvania, will be appointed as Agent for the exchanging Penn stockholders, and fractional interests in shares of National stock will be consolidated and full shares therefor will be issued to such Agent. Upon receipt of orders from Penn stockholders, the Agent will buy or sell the fractional interests, matching buy and sell orders as far as possible, and will

sell on the market any remaining shares for the account of such exchanging stockholders of Penn. The fees and expenses of the Agent will be paid by National.

National requests exemption from the competitive bidding requirements of Rule U-50 and also proposes to send certain solicitation material to the stockholders of Penn relating to the exchange.

A public hearing having been held after appropriate notice, the Commission having examined the record and having this day made and filed its Findings and Opinion herein:

It is ordered, On the basis of said Findings and Opinion and the applicable provisions of the Act and the Rules thereunder that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-9437; Filed, Nov. 23, 1955; 8:47 a. m.]

[File No. 70-3415]

NEW ENGLAND ELECTRIC SYSTEM AND WEYMOUTH LIGHT AND POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY PURSUANT TO RIGHTS OFFERING, AND ACQUISITION OF SUBSIDIARY'S STOCK BY PARENT COMPANY

NOVEMBER 18, 1955.

New England Electric System ("NEES") a registered holding company, and its public-utility subsidiary Weymouth Light and Power Company ("Weymouth") have filed a joint application and an amendment thereto pursuant to sections 6 (b) 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Weymouth, which presently has outstanding 65,191 shares of capital stock (par value \$25 per share) and \$2,850,000 of notes payable to NEES, proposes to issue and sell for cash 32,595 additional shares at the price of \$42 per share, on the basis of one new share for each two shares presently outstanding, and to apply the proceeds thereof (amounting to \$1,368,990) to the payment of a like amount of said notes. Rights to subscribe will be evidenced by full and half-share warrants, exercisable during a subscription period of 21 days. Full shares only will be issued.

NEES, which now owns 64,990 shares (99.671 percent) of Weymouth's capital stock, proposes: (1) To exercise its rights to subscribe for 32,495 additional shares to which it will be entitled, and (2) to purchase from Weymouth any unsubscribed shares at the subscription price of \$42 per share. NEES states that during the subscription period it will offer to purchase from minority stockholders (5 in number, holding 201 shares) their present holdings, together with their rights to subscribe for additional shares,

on the basis of \$60 per share. NEES will use treasury funds for its proposed acquisitions.

Weymouth and NEES desire to consummate the proposed issue and sale of additional capital stock in order to finance permanently a portion of the capitalizable additions to Weymouth's plant through the issuance of equity securities. NEES also desires to invest funds not otherwise required in its business in acquiring the minority interest in Weymouth.

The Massachusetts Department of Public Utilities, the regulatory commission of the State in which Weymouth is organized and doing business, has approved the issuance and sale of the additional shares by Weymouth, and the sale of any unsubscribed shares to NEES, at a price of \$42 per share.

Due notice having been given of the filing of said amended application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding with respect to the proposed transactions that the applicable provisions of the Act and the Rules thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that the amended application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said application as amended be, and it hereby is, granted, effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-9438; Filed, Nov. 23, 1955;
8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 72, Amdt. 1]

MASSACHUSETTS

AMENDMENT TO DECLARATION OF DISASTER AREA

1. Declaration of Disaster Area 72 dated October 17, 1955 for the State of Massachusetts is hereby amended by adding the County of Worcester to the Counties referred to in paragraph 1 of said Declaration.

Dated: November 10, 1955.

WENDELL B. BARNES,
Administrator

[F. R. Doc. 55-9451; Filed, Nov. 23, 1955;
8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KURT WERNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kurt Werner, Guardian for Ina-Susanne Werner, minor, Hamburg, Germany, Claim No. 41922, Vesting Order No. 104; \$1,135.94 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 55-9452; Filed, Nov. 23, 1955;
8:48 a. m.]

CAROLINE CHARLOTTE (LOLETTE) INVALID
VON WALDTREN SUGAR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Caroline Charlotte (Lolette) Invalid von Waldtren Sugar, Paris, France, Claim No. 56987, Vesting Order No. 1124; \$49,054.35 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Caroline Charlotte (Lolette) Invalid von Waldtren Sugar in and to the estate of Anne W. Penfield, deceased.

Executed at Washington, D. C., on November 17, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 55-9453; Filed, Nov. 23, 1955;
8:48 a. m.]

JOSEFA KAUFMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josefa Kaufmann, Furth b. Krems, Nieder-Osterreich, (Lower Austria), Claim No. 42069, Vesting Order No. 3265; \$2,907.99 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1955

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9454; Filed, Nov. 23, 1955;
8:48 a. m.]

ELVIRA DE BAGUER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elvira De Baguer, Corizia, Italy, Claim No. 62869, Vesting Order No. 12248; \$3,628.75 in the Treasury of the United States, and 3 Hungarian Land Mortgage Institute Sinking Fund Land Mortgage Gold Bond Dollar Bonds 7½%, Series B, due May 1, 1961, of \$1,000 face value each, Certificate Nos. BM-258, BM259, and BM1384, with coupons November 1, 1940, and subsequent coupons attached, presently in the custody of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on November 18, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-9455; Filed, Nov. 23, 1955;
8:48 a. m.]